THE ACTS

OF

THE SUPREME GOVERNMENT

FOR 1839

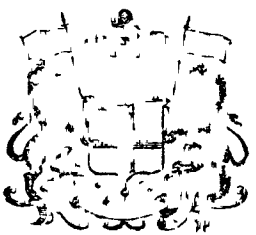
APPLICABLE TO THE BENGAL PRESIDENCY

IN ENGLISH AND URDU.

PUBLISHED BY AUTHORITY

EDITED BY THE REVEREND J J MOORE

GOVT. TRANSLATOR N. W. P



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قوانین

متعلقه پریسیڈنسی بنگالہ مصدورہ سوپریم گورنمنٹ ملک هند

بابت سنه ۱۸۳۹ ع

زبان

انگریزي اور اردو میں

ترجمه کیئے گئے اور چھاپے گئے حسب الحکم گورنمنٹ کے

باهتمام

پادري جان جیمس مور صاحب

مترجم گورنمنٹ غربي

کلکته

مطبع بیپ ٹسٹ مشن

سنه ۱۸۴۶

GOVERNMENT ACTS.

قانون

ACT No. I. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 4th February, 1839.

I. It is hereby enacted, that from the first day of May next ensuing after the passing of this Act, all Regulations and parts of Regulations of the Bengal Code, which give to any persons or class of persons authority, by virtue of any office held by them, to sell property distrained for the recovery of arrears of rent, shall, so far as they give such authority, be repealed.

II. And it is hereby enacted, that from the date aforesaid it shall be lawful for the Collector or Officer duly exercising the powers of a Collector in each District subject to the Presidency of Fort William in Bengal, to appoint, by a Sunnud under his signature and seal, in the terms of the Schedule appended to this Act, and conformably to such instructions as he may receive in that behalf, any person or persons to exercise the function of selling property distrained for the recovery of arrears of rent in each Pergunnah or sub-division of his District, and to authorize such persons to remunerate themselves by deducting a per centage, not in any case exceeding ten per centum on the amount of the proceeds of the sale.

III. And it is hereby enacted, that all Regulations and parts of Regulations of the Bengal Code which give powers to, or prescribe rules for the guidance of persons appointed to conduct the sale of property distrained for the recovery of arrears of rent, or which assign any penalty or other punishment for misfeasance in the discharge of such duty, shall be applicable to all parties appointed for the sale of such property under this Act.

قانون نمبر اول سنه ۱۸۳۹ ع

ولایت هند کے صاحب پریسیڈنٹ بہادر کے حضور سے کونسل کے اجلاس میں ۴ فبروري سنه ۱۸۳۹ ع کو صادر هوا

۱ حکم هی که جتنے قانوں اور قانونوں کي دفعوں کے رو سے تمام حاکموں کو بذریعه اپنے اپنے عہدوں کے اختیار نیلام کرنے جائداد کا که بعلت باقیات زربہیج قرق هوں حاصل هی وہ سب بلحاظ اُسیقدر مضمون کے بعد اجراے قانون هذا یکم می آیندہ سے منسوخ سمجھے جائنگے *

۲ تمام اضلاع پریسیڈنسي بنگالہ کے کلکٹروں اور اُن صاحبوں کو که اختیار کلکٹري رکھتے هوں جایز هوگا که اپنے ضلع کے هر پرگنه اور علاقه میں ایك ایك یا کئي کئي شخص واسطے نیلام کرنے اُن چیزوں کے که بعلت باقیات زربہیج قرق هوں مقرر کردیں اور درباب تقرري اُن شخصوں کے جو احکام که اُنکي هدایت کے واسطے نافذ هوں اُنکو مرعي رکھیں اور سندتقرر کي اُن لوگوں کو بعبارت مرقومةالذیل لکھوا کے اپنے دستخط و مہر سے عنایت کریں اور قیمت نیلام میں سے دس روپیه سیکڑے تك جسقدر مناسب جانیں اُنسے کہدیں که بطریق اپنے محنتانه کے لے لیا کرو * .

۳ جو قانون اور قانونوں کي دفعیں که در باب اُختیارات نیلام کرنیوالوں اشیاء کے که بعلت باقیات زر بہیج معرض قرقي میں آتي هیں صادر هوئے هیں اور جن قانونوں اور دفعوں کے رو سے که اُن لوگوں کي هدایت کے واسطے کچھه احکام نافذ کیئے گئے هیں یا جرمانه و سزائیں واسطے اُنکے بد عملیوں کے مقرر هوئي هیں وہ سب متعلق هونگے اُن لوگونسے بھي که جو از روے حکم اس قانون کے مقرر هوں *

SCHEDULE.

I, A. B., Collector of ——— Zillah ——— (or exercising the powers of a Collector) in virtue of the powers vested in me by Act No. I. of 1839, appoint you C. D., Commissioner for the sale of property distrained for the recovery of arrears of rent, in the manner prescribed by the Regulations of Government. You are to reside at E., in Pergunnah F., and are to exercise the authority vested in you by these Regulations, or by any others which may be hereafter transmitted to you for your guidance, in strict conformity thereto; and are to keep a regular and complete record of your proceedings to be produced when called for by me, or by the courts of justice. You are hereby authorized to remunerate yourself for your trouble, by deducting and appropriating —— per centum on the amount of the proceeds of sale.

عبارت سند بتقرر

حکم کچہري کلکٹري ضلع فلاں کا باجلاس فلاں صاحب کلکٹر یا صاحب مفوض باختیار کلکٹري کے یہہ کہ بموجب قانون یکم سنہ ۱۸۳۹ع کے تم مسمی فلاں واسطے نیلام اشیاءکے کہ بعلت باقیات زربیع قرق ہوں بطریق کمشنر ہندوستاني مقرر ہوئے تمکو چاہئے کہ بموجب احکام قوانین کے نیلام اُن اشیا کا کردیا کرو اور پرگنہ فلاں میں فلاں جا مقیم رہو اور احکام کہ قوانین مذکورہ میں واسطے تمہاري ہدایت کے درج ہیں یا آیندہ کسي قانون میں درج ہوں عمل اُن پر کرتے رہو اور تمام کاغذات اپنے عہدہ کے مرتب اور تیار رکھو اور جب اس کچہري میں یا کسي عدالت میں طلب ہوں بلا عذر وحیلہ پیش کرو اور تمکو اجازت ہی کہ قیمت نیلام میں سے بحساب فیصدي اسقدر روپیہ کے بابت وجہہ اپنے محنتانہ کے وضع کرلیا کرو فقط *

J. J. MOORE,
Urdu Translator.

ACT No. II. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 4th February, 1839.

I. It is hereby enacted, that in all cases of fines by which offenders are or may be punishable by any Magistrate, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor General of India in council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the Magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such Magistrate, and if no such property shall be found within such jurisdiction, then it shall be lawful for every such Magistrate by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 Rupees, and for any term not exceeding four calendar months, where the amount shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount.

II. And it is hereby enacted, that in all cases in which offenders are or may be punishable by any Magistrate with fine or imprisonment, or both, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor General of India in Council, and where the extreme

قانون نمبر اول سنه ۱۸۳۹ ع

ولایت هند کے صاحب پریسیڈنت بہادر کے حضور سے کونسل کے اجلاس میں ۴ فبروري سنه ۱۸۳۹ ع کو صادر هوا

حکم هي کہ جن مقدمونمیں مجرموں پر حضور صاحب مجسٹرٹ سے بموجب قوانین حال و آیندہ کے جرمانہ هو سکتا هو اور واسطے وصول کرنے جرمانہ کے کوئي طریق خاص از روے قوانین مذکورہ کے هدایت نہ کیا گیا هو صاحب مجسٹرٹ کو اُن مقدمونمیں اختیار هی کہ مجرم کا جو مال و اسباب اور مواشي کہ بیچ اپنے علاقہ کے پاوے بنظر وصول جرمانہ کے اُنکي قرقي اور نیلام کے واسطے ایك وارنٹ بہ ثبت دستخط اپنے صادر کرے اور اگر مجرم کا کچھہ مال و اسباب علاقہ کے اندر نہو تو اختیار هی اُسکو کہ واسطے اُسکي گرفتاري اور قید کے ایك وارنٹ بہ ثبت دستخط اپنے نافذ فرماوے اور بحسب صوابدید اپنے اُس شخص کو بلا مشقت یا با مشقت قید رکھے لیکن اسطرح پر کہ اگر جرمانہ پچاس روپیہ سے زیادہ نہو تو میعاد قید کي بھي دو مہینے سے زیادہ نہو اور اگر جرمانہ سو روپیہ سے زیادہ نہو تو میعاد قید کي بھي زیادہ چار مہینے سے نہو اور اگر جرمانہ هو زیادہ سو روپیہ سے تو میعاد قیدکي هوبحد غایت چھہ مہینے اور اُن سب صورتوں میں چاهئے کہ جسوقت روپیہ جرمانہ کا وصول هو قیدي رها کردیا جاوے *

۲ جن مقدموں میں کہ زروے احکام قوانین حال و آیندہ کے حضور صاحب مجسٹرٹ سے مجرمونکو سزاے جرمانہ یا قید یا سزاے جرمانہ اور قید دونو

amount of the fine or imprisonment is not specified, it shall not be lawful for the Magistrate to impose any fine exceeding 200 Rupees, or to imprison the offender for any term exceeding six months.

III. And it is hereby enacted, that in all cases in which offenders are or may be punishable by fine before a Magistrate, according to the provisions of any Act heretofore passed or which hereafter shall be passed by the Governor General of India in Council, it shall be lawful for the Magistrate, and he is hereby required to receive proof of the commission of the offence upon oath, or upon solemn affirmation in cases where a solemn affirmation is receivable by law instead of an oath.

IV. And it is hereby declared and enacted, that in this Act and in all Acts heretofore passed by the Governor General of India in council, the terms "fine" and "fines" shall extend to all "penalties" and "forfeitures," and the term "Magistrate" shall extend to all "Joint Magistrates," "Persons lawfully exercising the powers of a Magistrate," and "Justices of the Peace."

هو سکتي هوں لیکن تعداد جرمانه اور میعاد قید مقرر نهو اُن مقدموں میں صاحبان مجسٹرٹ کو چاهیئے که جرمانه زیادہ دوسو روپیه سے اور قید زیادہ چهه مهینے سے نه کریں *

۳ اور جن مقدموں میں که ازروے احکام قوانین حال و آیندہ کے حضور صاحبان مجسٹرٹ سے مجرموں پر سزاے جرمانه هوسکتي هو اُنمیں صاحبان مجسٹرٹ کو لازم هی که گواهان ثبوت جرم سے اظهار بحلف لیویں یا جن صورتوں میں که بجاے حلف اقرار نامه جایز هی اقرار نامه کرا لیں *

۴ حکم هی که جهاں کهیں اِس قانون میں یا کسي اور قانون مصدرہ نواب گورنر جنرل بهادر میں لفظ جرمانه کا آیا هی حاوي هی معني هر قسم کے جرمانه وضبطي وغیرہ کو اور اِسي طرح لفظ مجسٹرٹ سے مراد هی تمام صاحبان مجسٹرٹ اور جائینٹ مجسٹرٹ اور صاحبان جسٹس آف دي پیس اور اُن صاحبوں سے که اختیار مجسٹرٹي رکهتے هوں فقط *

J. J. MOORE,
Urdu Translator.

ACT No. III. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th February, 1839.

I. It is hereby enacted and declared, that within the British Territories under the Government of the East India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts, any thing in Act No. XI. of 1836 contained notwithstanding.

II. And it is hereby enacted, that no such proceeding which may have been instituted before the passing of this Act in any such Court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such Court, shall be treated as invalid by reason of the place of birth or by reason of the descent of any party to such proceeding or to such decree.

III. And it is hereby enacted, that within the said Territories no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever connected with arrears or exactions of rent excepted from the jurisdiction of the Courts of the Moonsiffs.

قانون نمبر ۳ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۱۸ فبروري سنه ۱۸۳۹ ع کو صادر هوا

۱ حکم هی که بیچ عملداري سرکار کمپني بہادر کے کوئي شخص مقدموں باقیات اور اخذ وجر مالگذاري میں حیطه اختیار حاکمان مال سے باهر نهوگا کہیں کا متوطن هو اور کسیکي اولاد میں هو اور رعایت احکام قانون ۱۱ سنه ۱۸۳۶ ع کي کچهه نه‌کي جاویگي *

۲ حکم هی که جو مقدمه اسطرح کا که پیشتر اجراء اِس قانون سے بیچ کسي کچہري کلکٹري کے مرجوع هواهو یا جو فیصله کچہري کلکٹري کا که بیچ کسي مقدمه کے قبل اجراء قانون هذا صادر هوا هو بعذر توطن یا حسب و نسب کسي شخص کے اهل مقدمه میں سے ناجایز و نا معتبر نهوگا *

۳ حکم هی که درمیان عملداري مذکور کے کوئي شخص بحیله اپنے توطن اور حسب و نسب کے مقدمات باقي اور اخذ و جر مالگذاري میں حیطه اختیار منصفوں کے سے باهر نهوگا فقط *

J. J. MOORE,
Urdu Translator.

ACT No. IV. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th March, 1839.

I. It is hereby enacted, that if any person shall, within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or the whole or any part of any pale, post or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to, or upon any real or personal property whatsoever of a private nature, every such offender, being convicted thereof before a Court of Quarter Session, shall, for the first offence, forfeit and pay over and above the amount of the injury done, such sum of money, not exceeding two hundred Rupees, as to the Court of Quarter Session shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for every such subsequent offence, be imprisoned with or without hard labour for such term not exceeding six calendar months, as the Court of Quarter Session shall think fit.

II. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the Court of Quarter Session, but not to exceed two hundred Rupees), shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence. Provided always, that when several persons shall join in the commission of the same offence, and shall, on conviction thereof, each be adjudged to forfeit a

قانون نمبر ۴ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۱۸ مارچ سنه ۱۸۳۹ ع کو صادر هوا

یہه قانون متعلق هی جزایر سنگاپور اور ملاکا سے اور کچھه علاقه اس ملك سے نہیں رکھتا هی اِسواسطے ترجمه اسکا چھوڑ دیا گیا فقط *

sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved, than that which shall be forfeited by one of such offenders only.

III. And it is hereby enacted, that in every case of conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the said Court of Quarter Session, shall not be paid, either immediately after the conviction, or within such period as the said Court shall at the time of the conviction appoint, it shall be lawful for the said Court to commit the offender to prison, there to be imprisoned only, or to be imprisoned with hard labour, according to the discretion of the said Court, for any term not exceeding two calendar months, when the amount of the sum forfeited or of the penalty imposed, or both, (as the case may be) together with the costs, shall not exceed fifty Rupees; and for any term not exceeding four calendar months, when the amount, with costs, shall exceed fifty Rupees, but shall not exceed one hundred Rupees; and for any term not exceeding six calendar months, in any other case: the commitment to be determinable in each of the cases aforesaid, upon payment of the amount and costs.

IV. And it is hereby enacted, that in case any person convicted of any offence, by virtue of this Act, shall have paid the sum adjudged to be paid, together with the costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, such person shall be released from all further or other proceedings for the same cause.

V. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced, whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

VI. And it is hereby enacted, that where the stealing of any property is by this Act punishable, either for every offence or for the first and subsequent offences, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof, in like manner as the principal offender, be liable for every first and subsequent offence of receiving to the same forfeiture and punishment to which a person guilty of a first or subsequent offence of stealing is by this Act made liable.

VII. And it is hereby enacted, that the Court of Quarter Session established by the Letters Patent establishing the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, bearing date the 27th day of November, 1826, shall sit for the purpose of hearing and determining matters made offences by this Act at each Station of the said Settlements not less frequently than once in fourteen days. Provided always, that no Court shall be holden excepting in the presence of one of the Judges of the Court of Judicature; and that no Justice of the Peace being a Proprietor or Renter of a Spice Plantation or otherwise directly interested in the enforcement of the provisions of this Act, shall sit and have a deliberative voice in such Court of Quarter Session when held at a Station where such Justice may be so interested.

ACT No. V. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th March, 1839.

I. It is hereby enacted, that it shall be lawful for any Magistrate or Justice of the Peace of the Settlements of Prince of Wales' Island, Singapore and Malacca, to grant a Warrant or Warrants to any Peace or Revenue Officer or Officers of the said Settlements, empowering him or them by day or by night (but if between the hours of eleven o'clock at night and five in the morning, then the Warrant to be executed by or in the presence of a Peace Officer) to enter and search any Dwelling House, Shop or other building in any case in which there shall appear to such Magistrate or Justice of the Peace, upon the oath of any party, good and sufficient cause to believe that in any such Dwelling House, Shop or other building, there is deposited or concealed any article or articles the exclusive privilege of preparing or selling which has been farmed out to any party or parties whomsoever by the East India Company under Regulations Nos. II. III. IV. and V. of 1830, passed by the late Governor in Council of the said Settlements of Prince of Wales' Island, Singapore and Malacca, and also under Regulation IV. of 1831, passed by the Vice-President in Council on the 18th of October 1831, and also under Regulations X. and XI. of 1833, respectively, passed by the Governor General in Council on the 9th of September 1833, and to seize and take possession of any such article or articles as may be found so deposited or concealed therein, and it shall be lawful for any Officer to whom any such Warrant shall be granted, and he is hereby authorized in case of resistance, to break open any door and to force and remove any

قانون نمبر ۵ سنہ ۱۸۳۹ ع

ولایت ہند کی کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۱۸ مارچ سنہ ۱۸۳۹ ع کو صادر ہوا

قانون ہذا متعلق ہی فقط جزایر سنگاپور اور ملاکا سے اِسواسطے ترجمہ نہیں کیا گیا ۔

other impediment or obstruction to such entry, search or seizure and removal as aforesaid.

II. And it is hereby enacted, that any person or persons found committing any act in contravention of any of the provisions of the said Regulations may be immediately searched without a Warrant by any Peace or Revenue Officer, provided always that the person to be searched may demand to be taken before some neighbouring Magistrate or Justice of the Peace who shall determine if there be reasonable grounds of suspicion, and every such Officer or Officers as aforesaid is hereby authorized and required to take such person upon demand before a neighbouring Magistrate or Justice of the Peace, detaining such person in the meantime. And if any person shall obstruct any such Officer or Officers in making any such search as aforesaid, every such person shall be subject on conviction before a Magistrate or Justice of the Peace to a fine not exceeding one hundred Rupees, such fine to be commuted in case of non-payment to imprisonment for any period not exceeding three calendar months.

III. And it is hereby enacted, that if any Peace or Revenue Officer shall maliciously and without reasonable grounds apprehend or detain any person or persons on the plea that such person or persons have infringed any of the provisions of any of the said Regulations, it shall be competent for any Magistrate or Justice of the Peace to hear the complaint, and if necessary to adjudge the offending Officer or Officers to pay a fine not exceeding one hundred Rupees, such fine to be commuted, in case of non-payment, to imprisonment for any period not exceeding three calendar months.

IV. And it is hereby enacted, that in case any Officer committed under the preceding Section, shall have paid the sum adjudged to be paid by him, or shall have suffered the imprisonment awarded for non-payment thereof, every such Officer shall

be released from all further or other proceedings from the same cause.

V. And it is hereby enacted, that no Peace or Revenue Officer of the said Settlements shall be competent to act under the provisions of this Act unless appointed specially so to do in writing by the principal Civil Authority of the station where such Peace or Revenue Officer may reside, which authority shall be duly registered at the Police Office of the said station, and liable to be annulled at the pleasure of the said Resident Councillor.

ACT No. VI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th March, 1839.

I. THE existing Charter of the Bank of Bengal having been found in many respects inconvenient and imperfect, the Members of the said Corporation have by their Directors applied to the Governor General of India in Council for the amendment thereof, by a new Charter or Act of Incorporation, tendering the surrender thereupon of the said Charter, and the Governor General in Council having assented to such surrender, and to the continuance of the said Corporation as hereinafter declared; —It is hereby enacted, that from the 1st day of May next after the passing of this Act the Charter of the said Bank of Bengal bearing date the 29th May 1823, and the Acts No. XIX. of 1836, and No. XXIV. of 1838 relating thereto, shall respectively cease to have effect; and the same are hereby from that day cancelled, save as to such particulars as are herein mentioned or referred to.

II. And it is hereby enacted, that the persons who at the time of the determination of the said Charter and Acts aforesaid shall, under the provisions of the said Charter and Acts, be the Proprietors of the Capital Stock of the said Bank of Bengal, shall notwithstanding the determination of the said Charter and Acts continue to be a corporation, body corporate and politic by the name of the Bank of Bengal with perpetual succession to them and their successors Proprietors for the time being of the said Bank as hereinafter mentioned, and to possess and enjoy all the rights, privileges and immunities incident by law to a corporation aggregate.

قانون نمبر ٦ سنه ١٨٣٩ ع

ممالک هندکي کونسل کے صاحب پريسيڈنٹ بهادر کے حضور سے
کونسل کے اجلاس ميں ١٨ مارچ سنه ١٨٣٩ ع کو صادر هوا

١ چونکه بعض مراتب چارٹر يعني سند حال بنک بنگاله کے موجب قباحت کے هيں اور بعض ناقص اور بلحاظ اُسکے تمام شرکاء بنک مذکور نے معرفت اپنے صاحبان دايرکٹر يعني کارپردازوں کے حضور ميں نواب گورنر جنرل بهادر کے درخواست ترميم اُس چارٹرکي گذراني هی اور بر وقت عنايت هونے چارٹر ثاني کے چارٹر حال کو حضور ميں واپس گذرانے کا اقرار کيا هی اور نواب گورنر جنرل بهادر نے بهي اُنکي درخواست کو قبول فرمايا هی اور چاهتے هيں که تقرر اُنکا بدستور اور بحال رهے اسواسطے ازروے اِس قانون کے حکم ديا جاتا هی که يکم مئی آيندہ سے بعد صادر هونے اِس قانون کے چارٹر مذکور که مرقومه ٢٩ مئی سنه ١٨٢٣ ع هی معه قانون ١٩ سنه ١٨٢٦ ع اور قانون ٢٣ سنه ١٨٣٨ ع که اُس باب ميں هيں عمل درآمد نرهينگے اور سواے اُن مراتب کے که درج قانون هذا هيں يا جنکا ذکر اِس قانون ميں آيا هی باقي سب مراتب مندرجه اُنکے تاريخ مذکور سے رد و منسوخ سمجهے جاوينگے •

٢ حکم هی که جو شخص وقت باطل اور منسوخ هونے اُس چارٹر اور قوانين مذکورہ بالا کے حصه دار راس المال بنک بنگاله کے هونگے وہ شخص باوجود باطل اور منسوخ هوجانے اُس چارٹر اور اُن قانونوں کے بهي بدستور شريک اُسکے بنے رهينگے اور وہ لوگ اور تمام شخص که بعد اِسکے شريک اصل جمع بنک مذکور کے هوں شامل جماعت شرکاء کوٹهي موسوم به بنک بنگاله کے گنے جاوينگے اور جو حقوق ومرافق که ايک جماعت کے شرکا کو ازروے قوانين حاصل هوسکتے هيں اُنکو بهي هونگے *

III. And it is hereby enacted, that all property and securities for property, claims and demands whatsoever now vested in or held by the said Bank of Bengal, under and by virtue of said Charter and Acts, shall immediately on the determination of the said Charter devolve on and become vested and continued in the Bank of Bengal, so continued and incorporated by this Act as aforesaid; and that the said Bank of Bengal, so continued and incorporated as aforesaid, shall be subject to all debts, demands, claims and liabilities outstanding against the said Bank at the time of such determination of its said Charter as aforesaid, and that no suit or proceeding at Law or in Equity then pending shall cease or abate in consequence of such determination of the said present Charter, and of such renewal and continuance of the said Bank by virtue of this Act.

IV. And it is hereby enacted, that the said Bank so renewed and continued shall and may sue and be sued by its corporate name aforesaid, and shall and may have and use such common seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

V. And it is hereby enacted, that the Capital Stock of the said Bank as constituted under the said present Charter and Acts shall on the determination of the same by virtue of this Act continue to be the Capital Stock of the said Bank so renewed and continued as aforesaid, provided however that it shall be in the power of the Governor General of India in Council from time to time, by resolution notified in the *Calcutta Gazette*, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to

۴ حکم هی که جو اعتبار اور حقیتیں اور حقوق و مرافق اور دعوے که بنك بنگاله کو ازروے چارٹر سابق اور قوانین مذکورہ کے حاصل هیں وہ سب بعد باطل هونے اُس چارٹر کے اور منسوخ هونے اُن قانونوں کے بهي ازروے احکام اِس قانون کے بدستور بحال و برقرار رهینگے اور دعوي قرضه وغیرہ کے که وقت ابطال چارٹر سابق لوگوں کو اوپر بنك مذکور کے هونگے قایم رهینگے اور جو نالشیں اور مقدمے که بنام اُس بنك کے کسي عدالت میں دایر اور مرجوع هونگے بسبب باطل هونے چارٹر حال اور دیئے جانے چارٹر جدید کے تجویز سے خارج یا ملتوي نه کیئے جاوینگے *

۵ کوٹهي بنك که ازروے اس قانون کے برقرار رکهي گئي هی نالشیں منجانب اُسکے اور بنام اُسکے عدالتوں میں اُسي ایک نام سے که دفعه بالا میں لکها گیا مرجوع هوسکتي هیں اور اهالیان بنك مذکور کو لازم هی که سب کي طرف سے فقط ایك مهر رکهیں اور وہ بهي اُسطرح کي که صاحبان ڈایرکٹر یعني کارپرداز مناسب وقت جانیں اور پهنچتا هی اُنکو که هرقسم کي املاک اور جایداد وغیرہ کو واسطے زمان معهود یا دوام کے اور مشروط ساتهه کسي شرطوں کے یا بلا شرط اپنے قبض و تصرف میں رکهیں اور جب چاهیں انتقال اُنکا قسم بیع وغیرہ سے کریں *

۵ اصل جمع کوٹهي بنك بنگاله کي جسقدر که ازروے چارٹر اور قوانین حال کے هی بعد باطل هونے اُس چارٹر اور قوانین مذکور کے بهي بالفعل اُسیقدر رهیگي لیکن نواب گورنر جنرل بهادر کو باجلاس کونسل اختیار هوگا که اگر کسیوقت اُسکي اصل جمع کا بڑها دینا مناسب جانیں ازروے ایك رزولوشن کے حکم زیاده کرنے اُسکے کا نافذ فرماویں اور اُس رزولوشن کو کلکته گزٹ میں چهپوادیں اور جو طریق که درباب جمع هونے حصوں اُس زر زائد کے قرین صواب دیکهیں هدایت فرماویں اور ایك اشتهار بنام شرکاء بنك

fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportions of new Stock to which they may respectively be entitled, and to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of new Stock that may not be subscribed for and paid up in the manner and form so prescribed.

VI. And whereas the Capital Stock of the said Bank which by the said Act No. XIX. of 1836 was fixed at seventy-five lakhs of Rupees divided into 1875 Shares of four thousand Rupees each, has by the Resolution of the President of the Council of India in Council, issued and notified to the Proprietors on the 17th October 1838, in conformity with Act No. XXIV. of 1838, been ordered to be increased by one-half, and whereas a book is now open for subscriptions and payment is now being made of such increased capital in the manner and under the terms and conditions authorized in the said Act No. XXIV. of 1838, and prescribed in the said order and notice of the President in Council; it is therefore hereby enacted, that the Capital Stock of the said Bank shall on the said 1st May next, when this Act shall take effect for the re-incorporation of the said Bank, consist of the said sum of seventy-five lakhs of Company's Rupees, together with such further amount as shall on that date have been subscribed and paid into the Bank of Bengal under the order and notice referred to, and the further subscriptions and payments of Capital authorized and ordered as abovementioned shall continue to be received in the manner provided in the said order and notice of the President in Council, and shall be added to the Capital Stock of the Bank as received, accordingly as is prescribed in the said order passed under the authority of the said Act; and the Capital Stock held by the Bank of Bengal on the said 1st May next, together with the further Capital that may be subscribed and paid up as above after that date, shall be divided into shares of four thousand

کے اُس باب میں صادر کر کے اُنکو واسطے پورا کرنے تمام حصوں اُس زر کے مہلت کم سے کم بارہ مہینے کی عنایت کریں اور اپنے حکم میں یہہ بھی لکھہ دیں کہ کسطور پر اور کس حساب سے شرکا حصہ اُس روپیہ کا ڈالیں اور کسطریق پر روپیہ داخل کریں اور اگر کچھہ روپیہ کے واسطے موافق دستور معینہ کے حصہ دار نہ کھڑے ہوں اور اُس سبب سے وہ روپیہ باقی رہجاے اور داخل نہو تو سبیل اُسکی کسطرح پر کیجاے *

٦ چونکہ بموجب قانون ٢٤ سنہ ١٨٣٨ ع کے ایک رزولوشن کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے باجلاس کونسل صادر ہوچکا ہی اور اشتہار اُسکا بتاریخ ١٧ اکتوبر سنہ ١٨٤٨ ع پاس شرکا کے بھیج دیا گیا ہی اور ازروے اُسکے حکم ہوا ہی کہ اصل جمع کوٹھی بنک کی کہ بالفعل بموجب قانون ١٩ سنہ ١٨٣٦ ع کے پچھتر لاکھہ روپیہ ہی اور منقسم ہی اوپر ١٨٧٥ حصوں کے اب ڈیوڑھی کردی جاوے اور چونکہ واسطے جمع کرنے حصوں اُس روپیہ زائد کے ایک کتاب بھی بن گئی ہی اور بموجب احکام قانون ٢٤ سنہ ١٨٤٨ ع اور ہدایتوں مندرجہ اشتہار پریسیڈنٹ بہادر کے روپیہ حصوں زر زائد کا جمع بھی ہونے لگا ہی اسواسطے ازروے اس قانون کے حکم دیا جاتا ہی کہ یکم مئی آیندہ کو کہ تاریخ باطل ہونے چارٹر حال کی اور گویا بناے جدید اس بنک کی ہی اصل جمع بنک کی پچھتر لاکھہ روپیہ ہوگی علاوہ اُس روپیہ کے کہ بموجب اشتہار مرقومہ بالا کے اُس تاریخ تک بابت حصوں زر زائد کے معرض وصول میں آوے اور بموجب اُسی حکم و اشتہار کے جو حصے کہ بعد اُسکے جمع ہوتے جاوینگے اور جو روپیہ بابت اُن حصوں کے داخل ہونگے منظور کیئے جائینگے اور کوٹھی بنک کی اصل جمع میں شامل ہوتے جاوینگے اور جو روپیہ کہ تاریخ یکم مئی مذکور کو کوٹھی بنک میں جمع ہوگا اور بعد اُسکے بطریق مرقومہ حصہ داروں سے وصول کیا جائیگا وہ سب منقسم ہوگا

Rupees each, or into quarter shares of one thousand Rupees each in the manner declared and provided by Act No. XIX. of 1836, and the shares of the said Capital that may be then registered in the name of the Governor General of India in Council, shall be the property of the said Governor General of India in Council for the time being on behalf of the East India Company, together with any new shares or quarter shares for which subscription may be made on account thereof, under the option reserved to the said Governor General of India in Council to that effect in the said order and notice, and the shares and quarter shares registered as belonging to individual Proprietors shall continue to be the property of such Proprietors, and the said Proprietors shall respectively be in the proportion of their several interests Proprietors of the Bank of Bengal as re-incorporated by this Act, and shall hold and enjoy in respect to their several shares and interests the same precise rights and privileges, as regards the subscription to fresh Stock, under the order and notice referred to, as they would have done if the Bank of Bengal had continued under the Charter and Acts referred to, the re-incorporation of the said Bank by this Act notwithstanding.

VII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of one lakh and sixty thousand Rupees, excepting on occasion of the present or of any future increase being made to the Capital Stock of the said Bank under the authority of the Governor General in Council in the manner prescribed in Sections V. and VI. of this Act, in which case any Proprietor holding Stock to the full amount of one lakh and sixty thousand Rupees, shall notwithstanding be entitled to subscribe to the increased Capital Stock in a rateable proportion; and excepting any addition to his interest in the said Capital Stock arises from succession, bequest or marriage.

VIII. And it is hereby enacted, that a certificate signed by three Directors of the said Bank shall be delivered to the Pro-

اوپر حصوں چار چار هزار روپیه کے اور ربع حصوں یعنے ایك ایك هزار روپیه کے بموجب لکھے هوئے قانون ۱۹ سنه ۱۸۳۶ ع کے اور جو حصے که اُسوقت منجمله حصوں اصل جمع کوٹهي بنك کے بنام نواب گورنر جنرل بهادر رجسٹر میں لکھے هونگے وه سب معه اُن حصوں اور ربع حصوں زر زائد کے که نواب گورنر جنرل بهادر نے بموجب اشتهار مذکورہ بالا کے لیئے هوں منجانب سرکار کمپني ملکیت نواب گورنر جنرل بهادر کي گنے جاوینگے اور جو حصے اور ربع حصے که بنام دیگر شرکا کے درج رجسٹر هونگے وه ملکیت اُنکي سے گنے جاوینگے اور سب حصه دار موافق اپنے اپنے حصوں کے شریك بنك کے هونگے اور نسبت حصوں زر زائد کے که ذکر جنکا اوپر هوا باوجود تبدیل چارٹر بهي اُنکو وهي استحقاق حاصل هونگے که جو درصورت نه بدلے جانے چارٹر کے حاصل هوتے *

۷ کسي حصه دار کا روپیه بیچ اصل جمع کوٹهي بنك کے زیاده ایك لاکهه ساٹهه هزار روپیه سے نهیں ره سکتا هی لیکن جو روپیه که اب یا آینده حسب الحکم نواب گورنر جنرل بهادر با جلاس کونسل اور بموجب لکھے هوئے دفعه ۵ اور ۶ اس قانون کے اوپر اصل جمع کوٹهي بنك کے مستزاد کیا جائیگا یهه حکم اُسسے متعلق نهوگا یعنے اگر کسي شخص کا روپیه بقدر ایك لاکهه ساٹهه هزار بهي جمع هوگا تو بهي اُسکو زر متزاید میں بقدر حصه رسدي کے شریك هونے کا استحقاق هوگا اور اسیطرح اگر کسیکو علاوه اپنے حصه کے کسي دوسریکا حصه از روی وراثت یا وصیت یا جهیز کے پهنچے تو وه بهي ایك صورت علیحده هی اور حکم بالا اُسسے بهي متعلق نهوگا *

۸ حکم هی که جسوقت کوئي حصه دار اصل جمع کوٹهي بنك کا سارٹیفکٹ اپنے حصه کي طلب کریگا تو اُسکو سارٹیفکٹ که تین صاحبان ڈایریکٹر کے دستخط سے مزین هووےگي جاوینگي اور جو حصه دار که

prietor or Proprietors of all the said shares of the Capital Stock of the said Bank, upon demand made by the holder of such share, and that any person who is a Proprietor of more than one such share, may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

IX. And it is hereby enacted, that the said share or shares of the Capital Stock of the said Bank shall be of the nature of personal estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on such certificates thereof respectively, under the hand of the Proprietor or Proprietors, or his, her, or their Attorneys duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, provided that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bengal, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose by the Directors of the said Bank.

X. And it is hereby enacted, that the said corporate body, so renewed and continued as aforesaid, shall consist and be composed of the registered Proprietors for the time being of the said shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removable by the Governor General of India in Council, and the remaining six shall be elected by a General Meeting of the Proprietors of the said Bank, and removable by vote of the majority of a General Meeting of the said Proprietors.

XII. And it is hereby enacted, that the persons who, at the

ایك حصه سے زیادہ کے شریك هیں اختیار هی اُنکو چاهیں تمام حصوں کي ایك سارٹیفکٹ لیں چاهیں هر ایك کے واسطے جدي جدي اور چاهیں کئي سارٹیفکٹ کئي کئي حصوں کي

۹ حکم هی که شرکاء کوٹهي بنك کو اپنے اپنے حصوں پر حقیت مثل مال منقوله کے هوگي اور اُنکو خرده اور بذریعه ایٹرني یعنے مختار کے اختیار هی که ایك یا کئي حصے اپنے جسکے نام چاهیں منتقل کریں لیکن اسطرح پر که اوپر پشت سارٹیفکٹ اُن حصوں کے انتقال لکهه دیں یا اپنے مختار سے لکهوادیں اور نام اُس شخص یا اُن شخصونکا که جنکو منتقل کیئے هوں اُسي جگهه مندرج کریں اور معلوم هو که جب تك حال انتقال کا بیچ رجسٹر کوٹهي بنك کے درج نهوجاویگا اور اهلکار مقرر کیا هوا صاحبان ڈایریکٹر یعني کار پردازوں کا حال داخل رجسٹر هوجانے انتقال کا اوپر پشت سارٹیفکٹ کے به دستخط اپنے نه لکهه دیگا تب تك انتقال کسي حصه کا جایز نهوگا *

۱۰ حکم هی که بیچ جماعت کوٹهي بنك مذکور کے فقط وه شخص شامل هوسکینگے که جنکے نام بیچ رجسٹر حصه داروں اصل جمع اُس کوٹهي کے لکهے هوئے هونگے *

۱۱ واسطے انتظام کاموں کوٹهي بنك کے نو شخص بطور دایریکٹر یعنے کارفرما مقرر کیئے جاوینگے اور اُنمیں سے درباب تقرر اورمعزولي تین کے نواب گورنر جنرل بهادر کو باجلاس کونسل اختیار هوگا اور درباب عزل ونصب باقي چهه کے جیسا کچهه که جلسه عام میں ازروی کثرت راے شرکا کے قرار پاویگا ویسا کیا جاویگا *

۱۲ جو شخص که وقت باطل اور منسوخ هونے چارٹر حال اور قوانین

time of such determination of the said present Charter and Acts as aforesaid, shall be Directors of the said Bank, shall thereafter continue to be Directors of the said Bank so renewed and continued as aforesaid.

XIII. And it is hereby enacted, that two of the six Directors elected and to be elected by the said Proprietors shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead—provided always that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon—provided also that the rotation existing at the time of such determination as aforesaid of the said present Charter and Acts shall continue to be observed.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Calcutta for more than three months, or removal as aforesaid of any Directors elected or to be elected by the said Proprietors, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days for the purpose of choosing a successor, and such successor shall come into the same place in the rotation above-mentioned in which the Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the said Proprietors who shall not be Proprietor in his own right, and unincumbered, of three shares of twelve thousand Rupees of the Capital Stock of the Bank of Bengal, or who shall be a Director of any other Bank issuing Notes payable on demand within the Town or Suburbs of Calcutta.

XVI. And it is hereby enacted, that at General Meetings of the Proprietors every election and other matter in question shall be decided by a majority of votes, and that no person shall be

مذکورہ کے خدمت ڈایرکٹری یعنی کار فرمائي پر مقرر ہونگے بدستور وہي اُس خدمت پر قایم رہینگے *

١٣ ہرسال دسمبر مہینے کے دوسرے سوموار کو اُن چھہ ڈایرکٹرونمیں سے کہ ذکر جنکا اوپر ہوا دو دو ڈایرکٹر اپني اپني باري سے موقوف ہوجایا کرینگے اور اُسي دن ایك جلسہ عام تمام شرکا کا ہوگا اور اُس جلسہ میں بجاے اُن دونو کے دو نئے ڈایرکٹر مقرر کیئے جاوینگے لیکن جوکہ موقوف ہوں اُنمیں سے کوئي اُسي جلسہ میں از سرنو مقرر نہو سکیگا اور جسکي باري کہ وقت باطل ہونے چارٹر حال اور تنسیخ قوانین مذکورہ بالا کے آن پڑیگي وہي موقوف ہوگا اور کچھہ لحاظ باطل ہونے چارٹر اور تنسیخ قوانین کا نہ کیا جاویگا *

١٤ اگر کوئي شخص کار فرمایان بنک میں سے فوت ہو یا استعفا دے یا تین مہینے سے زیادہ مدت کے واسطے کلکتہ سے کہیں کو چلا جاوے یا بطریق مذکورہ بالا موقوف ہو تو باقیونکو لازم ہي کہ درمیان عرصہ ١٥ روز کے ایك جلسہ تمام حصہ دارونکا کریں کہ اُس جلسہ میں دوسرا شخص بجاے اُسکے مقرر کردیا جاوے اور جو شخص کہ نیا مقرر ہوگا وہ باري میں مثل پہلے شخص کے سمجھا جایگا *

١٥ حکم ہی کہ جو شخص بغیر لاگ لپیٹ کسي دوسریکے خاص اپني ملکیت سے اقل درجہ تین حصے بارہ ہزار روپیہ کے کوٹھي بنك کي اصل جمع میں رکھتا ہوگا اور کلکتہ یا اُسکے گردنواح کي کسي دوسري بنك میں کہ نوٹ اور ہنڈیاں جسکي بمجرد دکہلانے کے بھي پٹ سکتي ہوں بعہدہ ڈایرکٹري مقرر نہوگا وہ اس بنك میں اوپر خدمت ڈایرکٹري کے مقرر ہوسکیگا اور سواے ایسے شخص کے کوئي نہوگا *

١٦ حکم ہی کہ بیچ جلسہ عام کے جو شخص کسي خدمت پر مقرر کیا جاے اور جو تجویز ہو بموجب کثرت راے کے ہو اور جو شخص کہ

allowed to vote at any such meeting in respect of any share of the said Capital Stock acquired by transfer or purchase or otherwise than by act of law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:

1	Share of	4,000 Rs.	shall entitle to	1	vote.
5	„	„	„	2	„
10	„	„	„	3	„
15	„	„	„	4	„
20	„	„	„	5	„
30	„	„	„	6	„
40	„	„	„	7	„

and no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor General may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such meeting, excepting upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either General or Special, under his, her or their hand, or the hand of his, her or their attorney, duly authorized, to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

حصه کسي شريك کا بطريق بيع وغيره انتقال کے لے استدراك اُسکي راے کا نکيا جاوے جب تک که کم سے کم چهه مهينے اُس انتقال پر نه گذريں *

۱۷ وقت اجلاس عام کے اعتبار راے شرکا کا موافق لکهے هوئے ذيل کے هوگا يعني *

راے مالك ايك حصه چار هزار روپيه کي برابر ايك راے کے
پانچ حصه والي کي برابر دو راے کے
دس حصه کے مالک کي راے بمنزله تين راے کے
پندره حصه کے شريك کي راے مساوي چار راے کے
بيس حصه والي کي راے برابر پانچ راے کے
راے تيس حصه والے کي برابر چهه راے کے
چاليس حصه والے کي راے بمنزله سات راے کے

اور سات سے زياده کسيکي راے نهوگي *

۱۸ نواب گورنر جنرل بهادر کو اختيار هی که از روی تحرير دستخطي کسي سيکرٹري گورنمنٹ کے جس شخص کو چاهيں اپني طرف سے بيچ جلسه عام شرکا کے حاضر هونے کا حکم ديں اور اُس شخص کو اختيار هوگا که منجانب گورنر جنرل راے اپني ديوے اور سواے مقدمه تقرر اور معزولي کار فرماوں کے اور سب باتونميں راے اُسکي بمنزله سات راے کے هوگي *

۱۹ اسيطرح اور حصه دارونکو بهي اختيار هی که کسي مقدمه خاص ميں يا بالعموم تمام باتونميں شرکاء بنك ميں سے جس شخص کو چاهيں از روی نوشته دستخطي خاص اپنے يا اپنے اٹرني يعني مختار کے اختيار راے دينے کا سونپ ديں اور جس شخص کے نام وه نوشته لکهه ديا گيا هو لازم هی اُسے که وه نوشته پيش کرے تا بذريعه اُسکے اور موافق اُسکے مضمون کے اُسکو استحقاق راے دينے کا هو *

XX. And it is hereby enacted, that at the first Meeting of the Directors in every year they shall choose a President from among themselves, and if the office of President shall become vacant they shall at their next Meeting choose a successor for the remainder of the current year, and that during any vacancy or in the absence of the President the senior Director shall be Vice-President for the time, and that such President or Vice-President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and that the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors, provided always, that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank, and all instruments not under seal, whereby the said Bank can in any manner be bound, except the Cash Notes of the Bank, shall be signed by three Directors and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors who shall sign their names to the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of Officers, provided that the whole expense of the establishment of the said Bank shall not in any one year exceed sixty thousand Rupees,

۲۰ حکم هی که صاحبان کارفرما هر سال بیچ اپنے پہلے اجلاس کے آپسمیں سے کسیکو چھانٹ کر خدمت پریسیڈنٹی یعني سرگروهي کي سونپیں اور اگر برس کے اندر وہ عہدہ خالي هو تو کسي دوسریکو تا آخر سال بعہدۂ مذکور مقرر کرایں اور تا وقت خالي رهنے اُس عہدہ کے اور درصورت غیرحاضري سرگروہ کے کارفرماے اول کام اُسکا بطور قایم مقام کرے اور جسوقت که کسي امر میں راے کارفرماؤں یا شرکا کي دونو طرف مساوي هوں راے سرگروہ یا اُسکے قایم مقام کي غالب رهے *

۲۱ وقت ترتیب ضوابط اور دستورالعمل کوٹهي بنك کے حاضر هونا کم سے کم تین کارفرماؤنکا ضرور هوگا اور هر هفته باري باري سے اقل درجه تین کارفرماؤں کا اجلاس هوا کریگا اور اگر کوئي کارفرما باوجود نهونے اُسکي باري کے وقت اجلاس آن بیٹهے توکچهه مضایقه نهیں *

۲۲ حکم هی که سواے کاغذات نوٹ بنك بنگاله کے که بابت زرنقدهوں تمام کاغذات حساب وکتاب اور نوشتے اور اقرارنامه وغیرہ بنك مذکور کے که مهر اُن پر ثبت نهو چاهیئے که تصدیق کیئے جاویں تین کارفرماؤں کے العبد سے اور جس کاغذ پر که تین کا العبد نهو وہ معتبر نهیں اور اسي طرح جب تك که تین کارفرما حاضر نهوں مهر بنك کي کسي کاغذ پر نه کیجاوے اور جن کے روبرو که مهر کسي کاغذ پر هو لازم هی اُنکو که العبد اپنا اُس کاغذ پر کردیں تا صداقت اُنکے حاضر هونے کي هووے اور جو شخص که حاشیه پر گواهي اپني ڈالے چاهیئے که وہ عالۂ وہ اُن تین کارفرماؤں کے هو اور جو کاغذ که بدون العبد تین کارفرماؤں کے هوگا معتبر نهوگا *

۲۳ صاحبان کارفرما کو لازم هی که جتنے اهلکار واسطے کارروائي کوٹهي بنك کے ضرور هوں ملازم رکهیں اور جسکو چاهیں موقوف کردیں اور تنخواه اهلکارونکي جتني چاهیں مقرر کریں ایکن ایك بات هی که بدون منظوري

without previous authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant or Khazanchee of the Bank of Bengal, shall engage in any other commercial business either on his own account, or as Agent for any other person or persons, or act as a broker for the sale or purchase of Government Securities; and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty in the sum of fifty thousand Rupees.

XXV. And it is hereby enacted, that the said Bank of Bengal shall not be engaged in any kind of business except the kinds of business hereinafter specified, that is to say—

1. The Discounting of Negotiable Securities.
2. The keeping of Cash Accounts.
3. Buying and Selling of Bills of Exchange payable in India.
4. The lending of Money on short loans.
5. The buying and Selling of Bullion.
6. The receiving of Deposits.
7. The issuing and circulating of Cash Notes and Bank Post Bills.
8. The selling of Property or Securities deposited in the Bank as security for loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security and make no loan unless the amount of cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank, outstanding for the time being and payable on demand.

تمام شرکا کے بیچ جلسه عام کے خرچ عمله کا کسي سال میں زیادہ ساٹھه هزار روپیه سے نهونے پاوے *

۲۴ جو شخص که بعهده سیکرٹري اور خزانچي اور ایکونٹنٹ یعنے محاسب کوٹهي بنك کے مقرر هونگے اُنکو کسیطرح کا کار تجارت اپنے نیج کا یا کسي اورکا بطور گماشته نه کرنا هوگا اور نه کاغذات سرکارکي خرید و فروخت میں کچهه سروکار رکهنا واجب هوگا اور جو شخص که کوئي ایك خدمت خدمات مذکورہ میں سے رکهینگے اُنکو ضمانت پچاس هزار روپیه کي حسب اطمینان صاحبان ڈایرکٹر کوٹهي بنك کے دیني هوگي *

۲۵ اهالي بنك بنگاله سواے امورات مفصله ذیل کے اور کوئي کام اختیار نه کر سکینگے *

۱ لین دین هنڈي وغیرہ کاغذات قابل خرید وفروخت کا *

۲ رکهنا حساب کتاب زر نقد کا *

۳ خرید وفروخت هنڈیونکي که بیچ هندوستان کے پٹ سکتي هوں *

۴ دینا تهوڑي تهوڑي رقموں کا بطریق قرضه *

۵ خرید وفروخت زر و سیم غیر مضروبه کي *

۶ رکهنا رقموں کا بطریق امانت *

۷ جاري کرنااور پهیلانا نوٹ هاے زر نقد اور پوسٹ بلوں کا *

۸ بیچنا جایداد اور کاغذات وغیرہ اشیاء مرهونه کا که رهن سے نه چهوڑا لي گئي هوں یا اُن شیوں کا که بعوض قرضه وغیرہ مطالبه کے وصول هوئي هوں *

۲۶ کارپردازان کوٹهي بنك کو نهیں چاهیئے خرید نا کسي بل و هنڈي وغیرہ کا اور دینا قرض کا کسي شخص کو ایسے وقت میں که موجود نهو بیچ کوٹهي بنك کے زر نقد قابل تصرف کم سے کم بقدر چهارم اُس روپیه کے که جوکوٹهي بنك پر لوگونکا آتا هو اور عندالطلب فورا دینا پڑے *

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on mortgage, or in any other manner on the security of any Lands, Houses, or immoveable property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual or partnership firm either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities, or Goods not perishable as hereinafter mentioned) beyond the amount of three lakhs of Company's Rupees. Provided always that advances upon Bills of Exchange accepted by the Government, or upon other Government Obligations shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the Section next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bengal, or on deposit of Goods, not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than seven lakhs and a half of Company's Rupees, provided always that the holding of Government Securities or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or obligations derived to the said Bank from individuals and not overdue, shall not be construed as being in advance to the Government within the meaning of this Section.

٢٧ لازم هی کارپردازان کوٹهي بنك کو که کوئي کاغذ مثل هنڈوي اور بل وغیرہ کے که متي جسکي تین مهینے سے زیادہ کي هو خرید نه کریں اور اگر کوئي شخص تین مهینے سے زیادہ کے واسطے قرض مانگے تو اوسکو قرض بهي ندیں اور نه ایسے شخص کو قرض دیں که جو اوپر اپنے حصوں مد خله کوٹهي بنك کے یا اوپر سارٹیفکٹ اون حصوں کے چاهے یا اوپر رهن اراضي و مکانات وغیرہ اشیاء غیر منقولهکے یا کسي اور طریق پر اوپر معتبري اشیاء مذکورہ کے اور اسیطرح اگر کوئي شخص اوپر بل یاهنڈوي وغیرہ کواغذ کسي شخص کے یا کسي کوٹهي کے روپیه لینا چاهے تو اُسکو بهي ندیں اور جو دیں بهي تو اسطرح پر که اوپر اوس کاغذ کے ضمانت اقل درجه دو ایسے شخصوں کي یاایسي کوٹهیوں کي لکهي هوئي هو که شراکت کسي طرح کي آپس میں نرکهتے هوں علاوہ اِسکے اگر کوئي شخص یا کوئي کمپني تجار وغیرہ کي کاغذ سرکار کمپني کے داخل کرے یاکوئي ایسي شی که نقصان پذیر نهو امانت رکهدے تو خبر نهیں تو کسیکو روپیه بطریق دس کوئنٹ یا قرضه کے زیادہ تین لاکهه سے ندیں اور معلوم هو که اگر کوئي شخص روپیه اوپر هنڈوي منظور کي هوئي گورنمنٹ کے یا اوپر کسي اور نوشته کے که گورنمنٹ جسکي ذمه وار هو طلب کرے تو وہ صورت علیحدہ هی اور قیدیں اوپر کي لکهي هوئیں اُس سے علاقه نهیں رکهتي هیں *

٢٨ کارپردازان کوٹهي بنک کو لازم هی که جیسا کچهه که اوپر کي دفعه میں لکها گیا هی خلاف اوسکے کسیکو قرضه ندیں اور اگر دیں بهي تو اسطرح پر که گیرندہ واسطے تمام زر قرضه کے کاغذ سرکار کمپني کا داخل کرے اور اُس کاغذ پر لکهدے که کوٹهي بنك کو اوسکے بیچ ڈالنے میں اختیار تام حاصل هی او یا یهه که جتنا روپیه قرض لے اوسسے سوائے مایت کي کوئي ایسي چیز که نقصان پذیر نهو کوٹهي بنك میں رکهدے *

٢٩ اهالیان کوٹهي بنک کو لازم هی که گورنمنٹ کو کبهي ساڑهے سات لاکهه روپیه کمپني سے زیادہ قرض نه دیں لیکن ضمانتیں گورنمنٹ کي اور هنڈیاں که بنام گورنمنٹ هوں اور قبولتیں اور اقرار نامه گورنمنٹ کے که لوگونکي طرف سے کوٹهي بنک میں داخل هوں اور متي اُنکي گذر نه گئي هو وہ اُس قرضه میں داخل نهیں هیں *

XXX. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not suffer any person or persons, or body corporate, keeping cash with the said Bank of Bengal, to overdraw his, her or their account.

XXXI. And it is hereby enacted, that the said Bank of Bengal may issue Promisory Notes, payable either on demand or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf, provided always that the total amount of such Notes in circulation at any one time shall not exceed two crores of Rupees, and provided also that no such Note shall be for a smaller amount than ten Rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue or negociate any note, Bill or other instrument containing any promise, undertaking or order for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bengal to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor General of India in Council, and that the Governor General of India in Council shall at all times be entitled to require of the said Directors any information touching the affairs of the Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

۳۰ کارپردازان کوٹھي بنک کو چاهیئے که جو شخص نقد روپیه اپنا بیچ کوٹھي بنک کے رکھیں اُنکو کبھي زیادہ اُنکي جمع سے ندیں *

۳۱ اهالیان کوٹھي بنک کو اختیار هی که پرامسري نوٹ جاري کریں خواہ اسطرح پر که روپیه اُنکا بمجرد طلب کرنے کے پٹ سکتا هو یا کچھه دن بعد دکھلانے کے پٹ سکتا هو لیکن تعداد دنوں کي چاهیئے که تیس سے زیادہ کسي صورت میں نهو اور صاحبان ڈایرکٹر کو لازم هی که واسطے تصدیق کرنے اُن نوٹوں کے کسي شخص کو مقرر کردیں اور چاهیئے که کسي ایک وقت پر تمام نوٹ دوکروڑ روپیه سے زیادہ کے پھیلے هوئے نهوں اور نه کوئي نوٹ دس روپیه سے کم کا دیا جاوے *

۳۲ چاهیئے که کسي نوٹ اور بل وغیرہ نوشته میں اقرار ادا کرنے روپیه کا با هر هندوستان سے درج نهو اور ایسے کاغذونکي خرید و فروخت بهي نه کیجاوے *

۳۳ صاحبان ڈایرکٹر کو اختیار هی که جو اجناس نقصان پذیر نهوں اپنے گودام میں بطور امانت جمع رکھیں اور ٹھیکا حفظ وصیانت میں رکھنے اجناس کا کرلیں *

۳۴ صاحبان موصوف کو چاهیئے که هرسال تیسویں جون اور یکم دسمبر کو باقي فاضل حساب کوٹھي بنک کا نکالتے رهیں اور جو حساب تیارهو چاهیئے که بدستخط کئي ڈایرکٹروں کے فورا پاس کسي سکرٹري گورنر جنرل بهادر کے باجلاس کونسل بهیجدیا جاوے اور گورنر ممدوح کو باجلاس کونسل اختیارهی که اگر کچھه حال بنک کا دریافت کیا چاهیں ڈایرکٹرونسے دریافت کریں اور جن کاغذات کو چاهیں طلب رکھیں اور ڈایرکٹرونکو لازم هی که اُنکے حکم کو بجا لاویں *

XXXV. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half yearly account shall be taken, provided that the said Directors, subject to the control and sanction of the Proprietors at their General Meetings, shall have power when they see fit to set apart from such profits a sum not exceeding five per cent. on the Capital Stock of the Bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a statement of affairs of the said Bank, made up to the preceding 30th of June, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to affairs and conduct of the said Bank, which shall be binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time, convene a General Meeting of the Proprietors, upon giving fifteen days' previous notice of such Meeting and of the purpose or purposes for which the same shall be convened as well to the Directors of the said Bank for the time being, as also by public advertisement in the *Calcutta Gazette*.

XXXVIII. And it is hereby enacted that it shall be lawful for the Bank of Bengal, with the sanction of the Governor Ge-

۳۵ چاهیئے کہ هرشش ماهي پر یعنے یکم جنوري اور یکم جولائي کو حساب منفعت کوٹهي بنك کا کیا جاوے اور جتنا جلدي هوسکے تقسیم اُسکي کرڈالي جاوے اور ڈایرکٹرونکو چاهیئے کہ جسقدر منفعت شش ماهي کے اندر هوئي هو بلحاظ اُسکے مقدار اُس منفعت کے هر حصہ کي مقرر کریں اور اگر وہ آپ مناسب جانیں اور تمام شریك بهي قبول کریں تو واسطے اخراجات گاہ بیگاہ کے کچهہ روپیہ اُسمیں سے جدا نکال رکهیں لیکن چاهیئے کہ یہہ روپیہ اوپر اصل جمع کوٹهي بنك کے زیادہ پانچسو روپیہ سیکڑے سے نہو *

۳۶ حکم هی کہ هرسال اگست مہینے کے پہلے سوموار کو ایک جلسہ تمام شریکونکا هوا کرے اور ڈایرکٹر ماہ جون کي تیسویں تاریخ تك کا تمام کاغذ درست کرکے پیش کریں اور اهالیان جلسہ عام کو اختیار هی کہ در باب امورات اور انتظام کوٹهي بنك کے جو تجویز مناسب جانیں کریں اور ضوابط اور دستورالعمل شایستہ بناویں اور تمام ڈایرکٹروں اور اهلکاروں اور حصہ دارونکو لازم هی کہ جب تك وہ ضوابط و دستورالعمل بدلے نہ جائیں عمل اُنهیں پر کرتے رهیں *

۳۷ حکم هی کہ جلسہ عام حصہ دارونکا اُسوقت هوا کرے کہ جب تین ڈایرکٹر کوٹهي بنك کے یا دس حصہ دار چاهیں اور پندرہ روز پیشتر ایک اشتہار اُس بات کا کہ کس دن جلسہ هوگا اور کس مطلب کے واسطے هوگا لکهہ کر سب ڈایرکٹرونکے پاس بهجوا دیا جاوے اور کلکتہ گزٹ میں بهي چهپوا دیا جاے *

۳۸ اهالیان بنك بنگالہ کو بمنظوري نواب گورنر جنرل بهادر کے اختیار هوگا کہ جہاں جہاں بصلاح همدگر مناسب جانیں کوٹهیاں بطریق شعبوں اِس

neral of India in Council, to establish Branch Banks at such places, and under such rules and restrictions as shall be determined by the Proprietors at their General Meetings, provided however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank at Calcutta, shall be bound by the same rules as to the description of business in which they are to engage and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Bengal by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank it shall be lawful for the said Bank to withhold payment of the dividends, on the share or shares of such Proprietor registered as his or her own property, and not held in trust, or as executor, or administrator, until payment of such debt, and to apply such dividends towards payment thereof; and that after demand and default of payment and notice in that behalf given either to such Proprietor, or his or her constituted Agent, or by public advertisement in the *Calcutta Gazette*, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor, until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or to his or her lawful representative.

XL. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of May, which will be in the year of Our Lord 1846, and shall thereafter continue

کوٹھي بنک کے مقرر کریں اور جو دستور اور ضوابط اُنکے واسطے اچھے جانیں بقیدتحریر لاویں اور معلوم ہو کہ جو دستور وضوابط کہ شرکاء کوٹھي بنک اور صاحبان ڈایرکٹر واسطے انتظام اُن شعبوں بنک کے مقرر کرینگے علاوہ اُنکے بیچ اجراے تمام امورات اور لین دین ہنڈیوں اور نوٹونکے کہ بمجرد دکھلانے کے روپیہ اُنکا پٹ سکتا ہو اور درباب تعداد زر نقد کے کہ بیچ اُن کوٹھیوں کے ہروقت موجود چاہیئے اور بھي درباب اُن سب مراتب کے کہ جنکي تصریح اِس قانون میں ہوئي ہو احکام اِس قانون کے بھي واجب الاتباع ہونگے *

۴۹ اگر کوئي شخص شرکاء بنک میں سے مقروض ہو کوٹھي بنک کا تو چاہیئے کہ جو حصے کہ وہ شخص خاص اپني ملکیت سے رکھتا ہو اور کسیکي طرف سے واسطے اُنکے بطریق امین یا وصي وغیرہ کے مقرر نہو اُن حصوں کي منفعت کا روپیہ تا اَدائے زرقرضہ وضع کرکے قرضہ میں وصول کرتے جاویں اور اگر بروقت طلب کرنے کے وہ شخص قرض اَدا نہکرے تو ایک اطلاعنامہ خود بنام اُس شخص کے یا بنام اُسکے مختار کے بھیجدیا جاوے یاکلکتہ گزٹ میں چھپوا دیا جاے اِس مضمون سے کہ جب تک روپیہ قرضہ کا ادا نہوگا اِنتقال کسي حصہ کا کہ اُس شخصکي ملکیت سے ہو داخل رجسٹر نہکیا جاویگا اور اگر بعد اُسکے بھي چھہ مہینے تک روپیہ داخل نہو تو پھر چاہیئے کہ اشتہار نیلام اُسکے حصوں کا کیا جاوے اور نیلام جتنے حصوں کا ضرور ہو کرڈالا جاے اور روپیہ اُسکا عوض قرضہ اور سود کے کہ بحساب فیصدي چھہ روپیہ ہو وصول کرکے جو کچھہ باقي بچے خود اُسکو یا اُسکے قایم مقام کو دیدیا جاوے *

۵۰ حکم ہی کہ کوٹھي بنک بنگالہ کہ ازروي اِس قانون کے برقرار رکھي گئي ہی تا یکم ماہ مئی سنہ ۱۸۴۶ ع اِسیطرح پر قایم وبرقرار رہیگي اور

in like manner until duly dissolved or modified, provided however, that after the said 1st day of May 1846, the said Bank shall not, except upon the application or by the consent of the Proprietors of the said Bank be dissolved, or any wise modified, without previous notice of twelve months at the least being given to the Directors of the said Bank for the time being of such intended dissolution or modification; provided also that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

بعد اُسکے اگر یہہ کارخانہ ٹوٹ نہ جاے یا اُسمیں کچھہ تغیر وتبدیل ضروري نہو تو بھي اُسي طریق پر جاري رهیگا اور بعد تاریخ مذکورے اگر یہہ کارخانہ شکست هوگا یا کچھہ تغیر وتبدل اُسمیں هوگا تو بدرخواست اور رضامندي شرکا کے هوگا اور وہ بھي اسطرح پر کہ کوٹھي مذکورے صاحبان ڈایرکٹرے تئیں اقل درجہ بارہ مہینے پیشتر اُسسے اطلاع کردي جاوے اور معلوم هو کہ اگر اهالیان بنك مذکور کسیوقت لین دین روپیوں نقد کا موقوف کرینگے تو جو رعائتیں کہ اُنکي نسبت از روے اِس قانون کے ملحوظ کي گئي هیں وہ سب اُسوقت سے موقوف کردي جاوینگي فقط *

J. J. MOORE,

Urdu Translator.

ACT No. IX. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 15th April, 1839.

I. It is hereby enacted, in addition to the rules already in force for instituting suits *in formâ pauperis*, that no person shall be hereafter entitled to institute any suit *in formâ pauperis*, in any Civil Court of Judicature within the Territories subject to the Presidency of Fort William in Bengal, unless the Court in which his petition may be presented shall, before granting such petition, be satisfied by the examination of the petitioner, or of his or her agents or witnesses, (which examination shall be taken on oath, or solemn affirmation in cases where a solemn affirmation may be received instead of an oath,) that there is probable cause for instituting the suit.

II. And it is hereby enacted, that in all suits instituted *in formâ pauperis*, the pleadings on the part of the defendant, as well as all papers filed on his part on which a stamp is required by Schedule B. of Regulation X. of 1829 of the Bengal Code, may be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take shall be furnished to him on unstamped paper; and the defendant shall not be required to deposit Vakeel's fees; provided always, that on the conclusion of the suit the Court shall calculate the whole of the costs which would have been incurred by the defendant on account of stamp duties if the suit had not been instituted *in formâ pauperis*, and shall charge the same to the par-

قانون نمبر ۹ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۱۵ اپریل سنه ۱۸۳۹ ع کو صادر هوا

۱ علاوہ اُن احکام کے کہ جو مفلسي کے باب میں رایج هیں اب ازروے اس قانون کے حکم دیا جاتا هی کہ آیندہ سے اگر کوئي شخص پریسیڈنسي بنگالہ کا کہ مرد هو یا عورت کسي عدالت میں بصیغہ مفلسي نالش کیا چاهیگا تو جب تک کہ صاحب عدالت پر ازروے اظہار اُسکے یا اُسکے مختار یا گواهوں کے کوئي وجہہ نالش کي ثابت نهوگي تب تک اُسکو اجازت نالش کرنیکي بہ صیغہ مفلسي نہ دیجاویگي اور واضع هو کہ اظہار سائل اور مختار اور گواهونکے بحلف هونگے اور اگر کوئي شخص حلف سے معاف هوگا تو اُس سے بجاے حلف کے اقرار نامہ لکھا لیا جائگا *

حکم هوتا هی کہ منجانب مدعاعلیہ سب کاغذات پلیڈنکس وغیرہ کواغذ کہ قوانین بنگالہ میں سے ازروے قانون ۱۰ سنہ ۱۸۲۹ ع کے اسٹامپ پر هوتے هیں مقدمات مفلسي میں سادہ کاغذ هي پر هونگے اور جن احکام اور کاغذات مثل کي نقل کہ وہ لیگا سادہ کاغذ پر دي جایگي اور محنتانہ وکیل کا بهي اُسسے امانت نہ رکھایا جایگا لیکن بعد فیصلہ مقدمہ کے مدعا علیہ

ty cast, or to the parties respectively, in such proportions as may be deemed reasonable.

III. And it is hereby provided, that nothing in this Act contained shall be construed to extend to any suits instituted *in formâ pauperis*, in any of Her Majesty's Courts of Justice.

کي‌طرف کا سب خرچه اسٹامپ بطريق مقدمه غيرمفلسي کے محسوب هوکر فريقين ميں سے ايك کے يا دونو کے طرف بحسب صوابديد لگايا جائگا *

۳ احکام اِس قانون کے مقدمات مفلسي سے که بيچ کسي عدالت شاهي کے مرجوع هوں منسوب نهونگے فقط *

J. J. MOORE,
Urdu Translator.

ACT No. X. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 15th April, 1839.

I. It is hereby enacted, that whoever, within the Settlements of Prince of Wales' Island, Singapore or Malacca, wages war against the Government of any Power in alliance or at peace with the Government of the Territories of the East India Company, or attempts to wage such war, or by instigation, conspiracy, or aid, knowingly abets the waging of such war, or makes, or by instigation, conspiracy, or aid in supplying or selling arms, equipments, or otherwise, knowingly abets the making of any preparation to commit depredations on the Territories of any such power, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour for any term not exceeding ten years.

II. And it is hereby enacted, that whoever, within the Settlements aforesaid, shall receive any property, such person knowing the same to have been taken from the Territories of any power in alliance or at peace with the Government of the Territories of the East India Company, in the prosecution of such war or depredation as aforesaid, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour for any term not exceeding ten years.

قانون نمبر ۱۰ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۱۵ اپریل سنه ۱۸۳۹ ع کو صادر هوا

قانون هذا متعلق هی فقط جزایر سنگاپور و ملاکا سے اسواسطے ترجمه نہیں کیا گیا *

ACT No. XI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 22nd April, 1839.

I. It is hereby enacted, that from the time of the passing of this Act, no Stamp duty or Institution fee shall be payable in respect of any proceeding in any Appeal, or in respect of any paper or copy of any paper necessary for any Appeal from any Court of the East India Company to Her Majesty in Council.

قانون نمبر ۱۱ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۲۲ اپریل سنه ۱۸۳۹ ع کو صادر هوا

حکم هی که اپیایں که فیصلجات عدالتوں سرکار کمپني کي بیچ عدالت شاهي کے پیش کیجاتي هیں اُنمیں وقت اجراء اِس قانون سے واسطے عرضي اپیل اور کسي کاغذ متعلقه اپیل کے یا واسطے نقل کسي کاغذ کے که بیچ اُس اپیل کے ضروري هو رسوم اسٹامپ کي نه لگے گي فقط *

J. J. MOORE,
Urdu Translator.

ACT No. XII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 29th April, 1839.

I. It is hereby enacted, that from the first day of January in the Year of Our Lord One thousand Eight hundred and Forty, Regulation 1. of 1827, passed by the Governor in Council of Prince of Wales' Island, Singapore and Malacca, shall be repealed.

II. And it is hereby enacted, that from the day aforesaid an Assessment shall be levied on all Dwelling Houses, and other buildings within the limits of the Towns of George Town, Singapore, and Malacca, according to the real annual values thereof, at a rate not exceeding ten per cent. of such annual values.

III. And it is hereby enacted, that from the day aforesaid an Assessment shall be levied on all property of the nature described in the foregoing Section, but which shall be situated beyond the limits of the aforesaid Towns of George Town, Singapore and Malacca, at a rate not exceeding five per cent. on the annual rent or value thereof.

IV. Provided always, that any property which would be subject to Assessment as aforesaid, of which the real annual value shall be less than Six Spanish Dollars, shall be exempted

قانون نمبر ۱۲ سنه ۱۸۳۹ ع

ولایت هندکي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۲۹ اپریل سنه ۱۸۳۹ ع کو صادر هوا

یهه قانون متعلق هی فقط جزایر سنگاپور و ملاکا سے اور علاقه اِن
ملکونسے کچهه نهیں رکهتا هی اسواسطے ترجمه نهیں کیا گیا فقط *

from such Assessment, if it be the sole assessable property of the owner.

V. And it is hereby enacted, that it shall be competent to the Chief Civil Officer in authority, within the incorporated Settlement of Prince of Wales' Island, Singapore, and Malacca, to fix the limits of the aforesaid Towns in order to the determination of the rates of Assessment leviable under this Act.

VI. And it is hereby enacted, that all Religious Edifices, Hospitals, Cemeteries, and buildings strictly and exclusively appropriated to charitable purposes, shall be exempted from Assessment under this Act.

VII. And it is hereby enacted, that all Houses, Bungalows and other buildings, situated within the limits of any Military Cantonment, and occupied by European or Native Officers, Soldiers, or Sepoys, shall be exempted from Assessment.

VIII. And it is hereby enacted, a Tax shall be levied on all Carriages, Carts, and Cattle in use within the incorporated Settlement of Prince of Wales' Island, Singapore, and Malacca, at the following rates:

On every four-wheeled Carriage, Spanish Dollars 10 per annum.

On every two-wheeled Carriage, Spanish Dollars 8 per annum.

On every Cart drawn by any description of draught Cattle, Spanish Dollars 6 per annum.

On every Horse, Mare, Gelding, Pony, or Mule, Spanish Dollars 2 per annum.

IX. And it is hereby enacted, that the Chief Civil Officer in authority in the Straits, under instructions from the Governor of Bengal, shall have power to appoint such Officers as may be deemed requisite for the collection of the Assessment and Taxes leviable under this Act at the Stations of Prince of Wales' Island, Singapore, and Malacca, and the Officers so appointed shall, in the execution of their duty, be subject to the same responsibility as would attach to them if they were employed in the collection of the Land Revenue.

X. And it is hereby enacted, that if payment of the aforesaid Assessment and Taxes be not duly made, the Officers appointed to collect the same shall certify in writing such non-payment to any Justice of the Peace, who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his warrant for distraining the amount on any Goods and Chattels, to whomsoever belonging, in or upon the Dwelling Houses, and other buildings respectively charged, or for distraining any person charged by his Goods and Chattels, or both, and for selling every such distress; and the overplus, after deducting the expenses, shall be paid to the owner of the Goods and Chattels distrained.

XI. Provided always, that it shall be competent to the Officers appointed to collect the aforesaid Assessment and Taxes, in lieu of proceeding against defaulters by warrant of distress, to sue for the recovery of arrears through any Court of Justice to which defaulters may be amenable.

XII. Provided also, that if any party, from whom payment

of the Assessment or Taxes leviable under this Act may have been demanded, objects to the demand, either on the ground of surcharge or by reason of claim to the exemption or abatement under any of the foregoing provisions, it shall be competent to such party, after payment of the amount demanded, to appeal against such demand to the Justices of the Peace sitting in General Quarter Sessions at the Station where such party resides, and the said Justices shall have power to hear and decide on such appeal and to pass such order thereon as may seem just.

XIII. And it is hereby enacted, that out of the Funds collected from the Assessment and Taxes leviable under this Act, provision shall be made, in conformity with such instructions as may from time to time be issued by the Governor of Bengal, for the efficient watching, cleansing, lighting, and repairing of the Streets and Thoroughfares in the Towns of George Town, Singapore, and Malacca, and for the making and repairing of Roads and Bridges, and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated Settlement aforesaid.

XIV. And it is hereby enacted, that as soon after the 1st day of January in each year as may be found practicable, the Officer collecting the Assessment and Taxes under this Act at each of the three Stations of Prince of Wales' Island, Singapore, and Malacca, shall prepare a detailed Statement, exhibiting the sums collected under the several heads of Cesses and Taxes during the preceding year, and showing also the disbursements which have been made during the same period on account of the various purposes enumerated in this Act.

XV. And it is hereby enacted, that the Statement prepared in the manner aforesaid, and duly attested by such Officer as last mentioned, shall be published at the Station to which it relates in a Newspaper; and if such Station have no Newspaper, the publication shall be made in some other Newspaper of extensive circulation published within the incorporated Settlement of Prince of Wales' Island, Singapore, and Malacca. And the said Statement shall also be open to general inspection at the Office of such Officer, for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the Officers appointed to collect the Assessment and Taxes leviable under this Act shall, in the conduct of their duties, be subject to the general superintendence and control of the Chief Civil Authority residing in the aforesaid incorporated Settlement.

XVII. And it is hereby enacted, that the Officer superintending the Police at each of the Stations of Prince of Wales' Island, Singapore, and Malacca, between the 1st and 15th day of January in each year, shall require the owners of all Palanquin Carriages, Carts, and other vehicles, kept in such Station for the purpose of being let to hire for the conveyance of passengers or goods, to enter such vehicles in a Register to be kept for that purpose at the Police Office. And every owner of a Palanquin Carriage, Cart, or other Vehicle, subject to such Registration, who shall omit to enter such vehicle at the Police Office, in the manner required by this Act, shall, on conviction before a Justice of the Peace, forfeit for each offence a sum not exceeding Twenty Spanish Dollars, with costs of suit, which

forfeiture shall on non-payment be recoverable by Warrant of distress and sale under the hand of the convicting Justice of the Peace; and the overplus of the goods and chattels sold, after deducting the expences shall be paid to such owner.

XVIII. And it is hereby enacted, that the Assessment and Taxes leviable under this Act shall be paid half-yearly in advance, and that the said Assessment shall be charged on the Dwelling Houses and other buildings respectively assessed, and on the respective owners and occupiers thereof, at the time of such Assessment, and that the said Taxes shall be charged on the owners of the respective Cattle, Carriages, Carts, or other vehicles subjected to such Taxes.

XIX. And it is hereby enacted, that every owner of a registered vehicle who shall neglect to place in a conspicuous part of such vehicle a numbered board which shall be furnished to him by the Registering Officer, shall on conviction before a Magistrate forfeit the sum of Five Spanish Dollars for each offence, with costs of suit.

XX. And it is hereby enacted, that when any change in the occupation of any Dwelling House, or other building assessed, shall take place within the year after such Assessment as aforesaid, then such Assessment may be levied in manner aforesaid as well upon the Dwelling House or other building respectively charged, as upon the goods and chattels of the occupiers thereof according to their respective periods of occupation without any new Assessment.

XXI. And it is hereby enacted, that the owner of any Dwelling House, or other building assessed, which is not let to any tenant, shall be deemed the occupier thereof, provided always that if such owner can shew that the premises have not been inhabited or used for a period of three months or upwards in any year, he shall be entitled to a proportionate abatement of Assessment levied on the same for the said year.

XXII. And it is hereby enacted, that no Assessment or Charge made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to Assessment or Tax, or of any thing chargeable with Assessment or Tax, or any mistake in the amount of the Assessment or Tax charged, provided the directions of this Act be in substance and effect complied with.

ACT No. XIV. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 27th May, 1839.

I. It is hereby enacted, that Acts No. XXXII. of 1837 and No. V. of 1837 be repealed on the first day of July next.

II. And it is hereby enacted, that on and after the said first day of July next, every person who shall make with any Native of India any contract for labor to be performed in any British or Foreign Colony without the Territories of the East India Company, or who shall knowingly abet or aid any Native of India in emigrating from the said Territories for the purpose of being employed as a laborer, shall be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding two hundred Rupees for every Native so contracted with, aided or abetted, and in default of payment of such fine, shall be liable to be imprisoned for a term not exceeding three months.

III. Provided always, that nothing in this Act contained shall be taken to apply to any Native Seaman who shall of his own free will contract to navigate any Vessel, or who shall embark on board such Vessel in pursuance of such contract, or to any person who shall contract to serve as a Menial Servant only, or who shall embark as such Menial Servant.

قانون نمبر ۱۴ سنه ۱۸۳۹ ع

ولايت هند کي کونسل صاحب پريسيڈنت بهادر کے حضور سے کونسل کے اجلاس ميں ۲۷ مئي سنه ۱۸۳۷ ع کو صادر هوا

حکم هی که قانون ۳۲ سنه ۱۸۳۷ ع اور قانون ۵ سنه ۱۸۳۷ ع يکم ماه جولائي آينده سے منسوخ هوئے *

۲ حکم هی که اگر کوئي شخص يکم ماه جولائي آينده کو يا بعد اُسکے کسي هندوستاني سے قرار و مدار کرائيگا محنت و مزدوري کرانيکا بيچ کسي ايسي جگهه کے که باهر علاقه سرکار کمپني سے هو اور آباد کي گئي هو صاحبان انگريز بهادر کي يا اهاليان ولايت غير کي يا اگر کوئي شخص کسي هندوستاني کو به نيت کرانے محنت و مزدوري کے باهر علاقه سرکار کمپني سے جهاز پر سوار هونيکي جان بوجهه کر ترغيب و ترغيب کريگا يا اِس امر ميں اُسکا ممد و معاون هوگا توجتنے هندوستانيونسے که قرار و مدار کريگا يا جتنونکو ترغيب ديگا يا مدد پهنچاويگا في نفر بعد ثبوت جرم کے حضور صاحب مجسٹرٹ سے قابل جرمانه دوسو روپيه تک کے هوگا اور اگر جرمانه داخل نه کريگا تو عوض اُسکے قيد کيا جائيگا اور ميعاد اُس قيد کي زيادہ سے زيادہ تين مهينے تک هوگي *

۳ حکم هی که جو ملاح اپني مرضي سے کسي جهاز پر نوکر هوں يا بموجب اپنے اقرار نامه نوکري کے جهاز پر سوار هوں يا جو شخص که بزمره نوکروں چاکروں کے داخل هوں يا اقرار ايسي نوکريکا کريں احکام اِس قانون کے اُنسے کسي طرح پر متعلق نهيں هيں فقط *

J. J. MOORE,

Urdu Translator.

ACT No. XVI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th June, 1839.

I. It is hereby enacted, that from the first day of January, in the year of Our Lord 1840, the following Rules shall be in force for regulating the assessment and collection of the rents payable to Government in the Settlements of Prince of Wales' Island, Singapore and Malacca.

II. And it is hereby enacted, that if any person, except as is provided in the last Section of this Act, shall hold or occupy any land within any of the Settlements aforesaid, not under a grant or title from Government duly registered, and which land has not been declared, by competent authority, free from assessment, such land shall be liable to assessment, and shall be assessed in such manner, at such rate, and under such conditions, as the Collector acting under the instructions of the Governor of Bengal shall determine.

III. And it is herehy enacted, that if any person holding or occupying land in the manner set forth in the preceding Section, shall refuse to engage for or to remove from the land within one month from the date on which he shall be called upon by the Collector to enter into such engagement, or so to remove from it, by written notice to be served personally, or at the residence of the owner or occupier, or to be stuck up on the permises, it

قانون نمبر ۱۶ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۱۰ جون سنه ۱۸۳۹ ع کو صادر هوا

یہہ قانون فقط جزایر سنگاپور اور ملاکا سے متعلق هی اسواسطے ترجمه نہیں کیا گیا *

shall be lawful for the said Collector to eject such person from the land so held or occupied, and to take and hold possession of the same on the part of Government, to be disposed of in such manner as the Governor of Bengal may direct. Provided that no person so holding or occupying land who has filed or shall file his claim to exemption from assessment thereon before the day and year aforesaid, shall be liable to be so called upon by the Collector until his claim shall have been determined by competent authority.

IV. And it is hereby enacted, that all Magistrates and Police Officers shall aid and assist the Collector and his Officers in the due exercise of the power of ejectment conferred upon the said Collector by the foregoing Section, and any holder or occupier of land who shall resist or cause to be resisted the exercise of the said power, and any person who shall be aiding and abetting in such resistance, shall, on conviction before a Magistrate, be punished by fine not exceeding one thousand Rupees, or in default of payment of the fine, by imprisonment not exceeding six months.

V. And it is hereby enacted, that after the date on which this Act shall be in force in the Settlements aforesaid, any person desirous of clearing and occupying waste and forest lands for the purposes of agriculture shall make application to the Collector of Land Revenue, who is hereby authorized to measure and assess the land, and to grant a lease for the same, in such manner, and under such conditions, as the Governor of Bengal may from time to time prescribe. And if, by reason of the density of the jungle or other obstacles, it should be found impracticable to cause immediate measurement to be made of land so to be leased, it shall be competent to the Collector to issue to such applicant a permit or written authority, of which the number, date and all essential particulars shall be entered in a Regis-

ter to be kept for that purpose, to clear and occupy such land subject to the conditions on which a lease would have been granted. And on all land occupied under any such permit so issued, it shall be lawful for the Collector to demand and enforce the payment of rent in like manner as if a regular lease had been granted. And the Collector shall, with all practicable despatch, cause all land so occupied to be measured, and after such measurement the permit shall be called in and cancelled, and in lieu thereof a lease shall be issued, the term of which shall commence from the date of the permit. Provided, however, that it shall not be competent to a Collector to grant any lease of lands for a term exceeding twenty years, renewable on such conditions as the Governor of Bengal may direct for a further period of thirty years.

VI. And it is hereby enacted, that upon granting any lease under the Provisions of the foregoing Section, the Collector shall require the applicant to set up good and solid landmarks by which the boundaries of the ground to be occupied by him shall be plainly defined; and such landmarks shall be set up to the satisfaction of the Collector to be certified by him on the back or other part of the lease, before the lease shall take effect, and it shall be a condition in every lease so granted that the lessee is to maintain all such landmarks in substantial repair. And if it shall be proved to the satisfaction of the Collector, that, notwithstanding this condition, such landmarks have not been kept in good repair, it shall be competent to the collector to cause the proper repairs to be made, and to levy three times the cost of such repairs from the holder or occupier of the land, the amount to be levied by the process provided for the collection of rents. And the Collector or his Officers shall at all times have the right of free access to such land for the purpose of inspecting and directing the construction or repair of the landmarks; and any person resisting them in the exercise of this right, or removing

or defacing any landmark set up in conformity with the provisions of this Act, shall be punished in the manner provided in the IV. Section of this Act.

VII. And it is hereby enacted, that all applications to hold or occupy lands for a term exceeding that specified in Section V., for the purpose of erecting houses or other durable works on such lands beyond the limits of the principal towns in the settlements aforesaid, shall be forwarded by the Collector to the Governor of Bengal, who will grant or reject such applications as in his judgment may seem fit.

VIII. And it is hereby enacted, that every lease granted under the Provisions of this Act shall be signed by the Collector for the time being, and shall specify the name of the lease-holder, the quantity and boundaries of the land included in the lease, and the rate of rent to be paid per acre per annum: which particulars, together with any other conditions material to the rights of Government, and of the party obtaining the lease, shall be entered in a Register to be kept in the Collector's Office for that purpose.

IX. And it it hereby enacted, that it shall be lawful for the Collector to accept on the part of Government, any surrender of a grant or lease by the parties interested in the same for the purpose of subdividing the same, and to re-grant or lease the same in parcels. Provided that no such subdivision shall be allowed, unless all arrears of rent, under the original grant or lease, are paid up, and provided that on no one portion of a grant or lease so subdivided, shall a less rent than one rupee per annum be leviable.

X. *Clause First.*—And it is hereby enacted, that whenever the rent of any grant or lease from Government of land within

any of the Settlements aforesaid shall fall due, payment thereof shall be made by the holder or occupier of the land at the Office of the Collector, or to such person as shall be authorized to receive the same, and on failure of such payment, the same may be recovered in the manner following.

Clause Second.—When an arrear of rent shall have become due, the Collector shall demand payment of it by a notice of demand, in writing, stating the amount of the arrear, and requiring payment of the same within fifteen days from the date of the service of the notice, and stating that in default of payment within the period specified, the amount of the arrear due, together with the costs of process, will be recovered under the powers of this Act.

Clause Third.—The notice of demand shall be served by the delivery thereof to any holder or occupier of the land, or by being left at his ordinary place of residence, or by being stuck up on the premises.

Clause Fourth.—For the service of the aforesaid notice one Rupee shall be charged, and shall be leviable, if not paid on demand, in the same manner as arrears of rent.

Clause Fifth.—Whenever an arrear of rent shall be demanded in the manner above prescribed, and shall not be discharged, it shall be lawful for the Collector to issue an attachment, and to seize by virtue of such attachment, as well the personal property of the holder or occupier as also any effects or any crops to whomsoever belonging which may be found upon the land on account of which the arrear may be due, and to bring the same to sale by public auction at the Collector's office or elsewhere, five days previous notice of such sale being stuck up at some

conspicuous spot, and at the place where it is intended to bring the crop, or other property, to sale.

Clause Sixth.—The attachment shall be made by an Officer deputed for the purpose, who shall publicly notify the attachment, and shall set his seal on any property attached and take an inventory thereof; and it shall be competent to the said Officer to require the assistance of the Police in case of resistance to his authority, or of any attempt to remove the crops or other property from the premises, or otherwise to defeat the process.

Clause Seventh.—For an attachment made in pursuance of the foregoing rules, whether a sale shall actually take place or not, two Rupees shall be charged, and shall be leviable, if not paid on demand, by the sale of a portion of the attached property.

Clause Eighth.—If an arrear of rent, due as aforesaid, cannot be recovered in manner aforesaid, and the arrear shall not be discharged within six months from the date of the notice of demand prescribed by the Second Clause of this Section, it shall be lawful for the Collector to bring to sale the land on account of which the arrear shall have been demanded, in the manner following.

Clause Ninth.—An advertisement shall be stuck up for not less than twenty days before the sale, in the Collector's Office, and in a Court of Justice situated near to the land specifying the description of the land, the name of the defaulter, the amount of the arrear, the time and place of the intended sale, and the conditions thereof. The sale shall be conducted by Public Auction, in the presence of the Collector, the highest bidder shall

be declared the purchaser, and the proceeds of the sale, after deducting the arrear originally due to Government, with interest thereon at 12 per cent. per annum, and any further arrear that may have accrued up to the day of sale, together with the costs incurred by the sale, or other lawful process, shall be paid over to the party or parties entitled. On payment of the purchase money, the purchaser shall receive from the Cellector a title-deed corresponding in quality and conditions with the original grant or lease, and bearing on it all material specifications relating to the quantity and situation of the land, its boundaries, the rent demandable, the date from which its payment is to commence, and other necessary particulars; and the Collector shall forthwith put the purchaser in possession of the land so transferred, requiring for that purpose the aid of the Police, if needful. The Collector shall notify in the most public manner the result of the sale, the conveyance of the title and right, which were of the defaulter to the purchaser, and the cancelment of the original grant or lease, together with all leases, incumbrances or other interests derived therefrom. And any person wilfully and with fraudulent intent offering for sale, transfer, mortgage, or otherwise making use of any such grant or lease, or of any lease, incumbrance or other interest derived therefrom, and which shall have been so declared to be cancelled, shall, on conviction before a Magistrate, be punished by a fine not exceeding five hundred rupees, or in default of payment of such fine, by imprisonment not exceeding four months. And any person resisting or obstructing the Collector or the Officers acting under his orders, whilst placing the purchaser in possession of land so sold for arrears of rent, shall be punished in the manner provided in Section IV. of this Act.

Clause Tenth.—It shall be lawful for the Collector before the payment of any surplus to deduct as part of the costs incurred by the sale two Rupees for the advertisement, and one per cent.

on the net proceeds of the sale authorized by the foregoing Clause, to be carried to the credit of Government, for the purpose of meeting the expense of carrying the sale into effect.

Clause Eleventh.—Any person having an interest in any property liable to be sold as aforesaid, shall at any time previous to the sale thereof be enabled to prevent such sale by payment of the rent in arrear, together with interest and all legal expences incurred to the Collector, who, upon such payment, shall desist from and withdraw all legal proceedings.

Clause Twelfth.—Provided, that the summary process authorized by any of the Clauses of this Section shall be held applicable only to arrears of rent which have become due within the period of one year prior to the execution of such process.

Clause Thirteenth.—Any person served with a notice of demand, or whose crop or personal property may have been seized under an attachment issued in manner aforesaid, who may dispute the justness of such demand or attachment, shall be at liberty, at any time before the sale of his crop or personal property, or, in the event of the land being advertised for sale, at any time before the sale thereof, to represent his objections to such demand, attachment or sale, to the Collector; and if the Collector shall, notwithstanding such objections, adhere to the demand, attachment, or sale, it shall be lawful for the said person to apply by petition for redress to any Civil Court competent to take cognizance of his complaint; and the Court, after hearing the Collector's answer, and making such further inquiry as may be necessary, during which the sale of any such crop, property, or land shall be stayed, shall pass judgment either for enforcing or staying the demand, and shall adjudge the costs and

charges of the suit, or such portion thereof as may be just and proper, to be paid by the party cast.

Clause Fourteenth.—Provided, that in the case mentioned in the last Clause, no sale of crops, or of personal property, or of land, shall be stayed, unless the party disputing the justice of the demand or attachment shall, on presenting his petition to the Civil Court, deposit therein, or at the Collector's Office, the whole amount of the arrears of rent demanded, together with interest, and legal expences incurred, or unless such party shall give substantial security to the satisfaction of the Civil Court for making good the award that may be ultimately passed in the case.

XI. *Clause First.*—And it is hereby enacted, that all mutations by act of party or by succession in titles to land, taking place after the first day of January in the year of our Lord 1840, shall be registered under the following rules.

Clause Second.—The party claiming by right of transfer or succession shall attend at the Collector's Office, either in person, or by his constituted agent, and shall make application for registering the mutation, producing the original grant or lease, together with the bill of sale or other deed of transfer, which must be made out in the English language, and according to a form which will be found in the Collector's Office, or, in case of successions, the Probate or Letters of Administration, together with the Original Will, if any, or a Copy thereof, after which notice of the mutation shall be registered, the date and other particulars of the transaction being entered in the Register in a clear and distinct form.

Clause Third.—No mutations of title to lands shall be registered until the Collector shall have satisfied himself that the

boundaries of the lands have been distinctly defined by convenient and substantial landmarks. The parties whose title to lands may be so registered are required to maintain the landmarks laid down in a state of good and sufficient repair, so that they may be at all times available for the purpose of accurate ascertainment of the limits of each occupancy, and every holder or occupier of such lands, wilfully neglecting to maintain such landmarks in a sound and serviceable condition, shall forfeit a sum equal to three times the cost of the erection or repairs which may become necessary in consequence of such default, and which shall be undertaken by the Collector: the amount of the forfeiture to be levied in like manner as rents are to be collected under the provisions of this Act. And the holders or occupiers of such lands are required to admit free access to the same by the officers of Government for the purpose of inspecting the landmarks, and of measuring and laying down boundaries, and any holder or occupier of land, or other persons who shall obstruct or resist such officers, shall be liable to the penalties prescribed in Section IV. of this Act.

Clause Fourth.—It shall be lawful for the Collector to demand and receive, on the part of Government, a fee to meet the charges attending the registry of four Rupees, and of one Rupee for inspecting the Register, and of two Rupees for granting a Certified Extract from the Register.

Clause Fifth,—The Registry of a mutation shall not of itself be taken to convey or establish any legal title to land, nor shall it be held to corroborate, qualify, or bar any rights which may come to be questioned judicially. But no deed whatsoever for the sale or transfer of land which may be executed after the first day of January in the year of our Lord 1840, shall be admitted to be valid by the Officers of Government, or be received in evidence as a legal instrument by any Court of Judicature, un-

less the same shall have been registered in the Collector's Office in the manner directed by this Section, nor shall any Probate or Letters of Administration be received as evidence of title to land until so registered.

XII. And it is hereby provided, that nothing in this Act contained shall apply to such cultivators and resident tenants of Malacca as hold their lands by prescription, subject only to a payment to Government of one- tenth part of the produce thereof, whether such payment be made in kind or in the form of a sum of money received by the Government in commutation of the payment in kind.

ACT. No. XVII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 1st July, 1839.

It is hereby enacted, in modification of so much of Sections VI. and XIV. of Act No. XVII. of 1837, as provides that Postage Duties shall be levied at the rates set forth in Schedules A and B appended to the said Act, that it shall be competent to the Governor General of India in Council by an order and notice to be published in the Government Gazettes of the several Presidencies of India, to authorize the levy of Postage Duties at rates different from those severally specified in the Schedules A and B annexed to Act XVII. 1837, and to publish revised Schedules from time to time to give effect to such modifications; provided always there be no increase made thereby in any particular of the rates prescribed in the said Schedules A and B; and likewise to fix the time when the levy shall commence to be made at such modified rates, and to cancel or modify any order and notice so issued by further similar order and notice, and the said revised Schedules of rates shall, for so long as may be so ordered and notified, be of the same effect and validity as the Schedules annexed to the said Act.

قانون نمبر ۱۷ سنه ۱۸۳۹ ع

ولایت هندکي کونسل کے صاحب پریسیڈنٹ بهادر کے حضور سے کونسل کے اجلاس میں یکم جولاي سنه ۱۸۳۹ ع کو صادر هوا

واضح هو که جسقدر مضمون دفعات ۶ اور ۱۴ قانون ۱۷ سنه ۱۸۳۷ ع کا درباب لیئے جانے محصول ڈاک کے بموجب لکهے هوئے فهرست نمبر ۱ اور ۲ ملحقه اُسي قانون کے هی اب به ترمیم اُسکے یهه حکم هوتا هي که نواب گورنر جنرل بهادر کو باجلاس کونسل اختیار هوگا که جو تعداد محصول ڈاک کي فهرستوں مذکورہ میں لکهي گئي هی بخلاف اُسکے جسقدر آپ مناسب جانیں مقرر کردیں اور ایك حکم اور اشتهار اُس باب میں بیچ گزٹ سرکاري اپني پریسیڈنسي کے چهپوا دیں اور بر طبق اُسکے اصلاح اُن فهرستوں کي فرماویں لیکن اتنا خیال رکهیں که اُن فهرستونکي لکهي هوئي تعداد سے زیادہ کرنا محصول کا روا نهیں هی اور علاوہ اُسکے لازم هی گورنر ممدوح کو که جسوقت سے نئي تعداد محصول کي مقرر هو تعین اُس وقت کا کریں اور بعد اُسکے اختیار هی اُنکو جب چاهیں اُس حکم اور اشتهار کو باطل کرکے نیا حکم اور اشتهار صادر کریں اور واضح هو که جس فهرست کو نواب ممدوح از روے حکم واشتهار اپنے کے اصلاح فرماوینگے وہ بعد اصلاح جایز ومعتبر هوگي اور مثل ضمیمه اس قانون کے گني جاویگي فقط *

J. J. MOORE,

Urdu Translator.

ACT. No. XVIII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 15th July, 1839.

It is hereby enacted, that any person accused of the offence of murder by Thuggee, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Thuggee, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, any thing contained in any Regulation or Regulations to the contrary notwithstanding.

قانون نمبر ۱۸ سنه ۱۸۳۹ ع

ولایت هندکي کونسل کے صاحب پریسیڈنٹ بہادرکے حضور سے
کونسل کے اجلاس میں ۱۵ جولائي سنه ۱۸۳۹ ع کو صادر هوا

حکم هی که جو شخص ماخوذ هو بجرم قتل کسي شخص کے ازراه ٹهگي یا بجرم دیده و دانسته لینے یا خرید نے اشیاء مسروقه یا مغروته ٹهگوں کے تجویز اُنکے مقدمه کي هرعدالت سے که اختیار سماعت اینے مقدموں کا رکهتي هو هوسکتي هی خواه وه جرم سرزد هوا هو اُس سے بیچ علاقه اوسي عدالت کے خواه باهر اُس سے اور واضح هو که جن قانونوں کا منشاء خلاف اِس حکم کے هی رعایت اُنکي کچهه نه کیجاویگي فقط ٭

J. J. MOORE,

Urdu Translator.

ACT No. XXI. OF 1839

Passed by the Hon'ble the President of the Council of India in Council, on the 26th August, 1839.

AN Act for the trial of prisoners charged with the commission of certain petty offences in the Town of Calcutta and on the River Hooghly.

I. Whereas it is expedient to make further provision in regard to such charges of felony as have been usually determined by Justices of the Peace, under the authority of Bye-Laws for the Town of Calcutta; by preventing, as far as is consistent with the attainment of Justice, any delay of trial, or inconvenience to prosecutors, witnesses and jurymen; by limiting the powers heretofore exercised by such Justices; and by subjecting their proceedings upon convictions for felony to more regular control and revision: and whereas it is also expedient to provide the like remedy in cases of assaults committed in certain parts of the river Hooghly without the limits of the Town of Calcutta as hath been provided in cases of assaults committed within such limits:

It is, therefore, hereby enacted, that it shall not be lawful for any Justice or Justices of the Peace to sentence any person charged with the commission of any felony within the Town of Calcutta, or with the possession of stolen property within the same Town, by virtue of any Bye-Law for the Town of Calcutta, or by virtue of such Bye-Law and under Act IV. of 1835, or otherwise than according to the Provisions of this Act; and the Sixth Section of a certain Rule, Ordinance and Regulation entitled a Rule, Ordinance and Regulation for the good order and

قانون نمبر ۲۱ سنه ۱۸۳۹ ع

ولایت هندکي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے کونسل کے اجلاس میں ۲۶ اگست سنه ۱۸۳۹ ع کو صادر هوا

قانون درباب تجویز مقدموں اُن قیدیوں کے که بیچ شهر کلکته کے یا اوپر دریاے هگلي کے ماخوذ بعلت بعض جرموں خفیف کے هوں *

۱ ازانجا که درباب مقدموں ایسے جرموں کے که تجویز جنکي حضور صاحبان جسٹس آف دي پیس سے حسب ضوابط متعلقه شهر کلکته کے کیجاتي هی صادر کرنا کچهه احکام جدید کا مناسب متصور هوتا هی اور بمقتضاے انصاف جهاں تک هو سکے انسداد تاخیر و درنگ کا که بیچ تجویز مقدموں کے واقع هوتا هی اور دفع کرنا تکلیفوں کا که مدعیوں اور گواهوں اور پنچوں کو هوتي هیں واجبات سے هی اور بهي تعیّن کرنا اختیارات صاحبان جسٹس آف دي پیس کا اور جاري کرنا ایسے طریق کا که جسسے فیصله اُنکا درباب ثبوت جرم کے نظر حاکمان اعلیٰ سے گذرے اور حسن وقبح اُسکا معلوم هو بهت ضرور هی اور جس طرح کا انتظام که واسطے هنگامه وفساد کے بیچ حدود شهر کلکته کے هی اگر اوسیطرح کا تدارک باهر شهر کلکته کے بعضے مقامات دریاے هگلي میں که وهاں اکثر ایسي واردات هوتي رهتي هی هو جاوے تو انسب اور اولیٰ هی *

اِسواسطے حکم دیا جاتا هی که جو شخص بیچ شهر کلکته کے ماخوذ هو بعلت بدمعاشي یا بجرم رکهنے مال مسروقه کے لازم هی صاحبان جسٹس آف دي پیس کو که اُسکے تئیں فقط بموجب قانون هذا کے سزا دیں نه بموجب ضوابط متعلقه اُس شهر کے یا بموجب قانون ۴ سنه ۱۸۳۵ ع یا کسي اور آئین اور ضوابط وغیرہ کے اور جاننا چاهئے که چهٹي دفعه اُس

Civil Government of the Settlement of Fort William in Bengal, passed in Council on the 26th day of July in the Year of Our Lord 1814, and Registered in the Supreme Court on the 11th day of November in the same year, is hereby repealed.

II. And it is hereby declared and enacted, that all persons charged with the commission of simple larceny within the Town of Calcutta may be tried by any Justice of the Peace for the said Town, provided the value of the property which the prisoner is charged with having stolen does not, according to the belief of such Justice, exceed twenty rupees.

III. And it is hereby provided, that such Justice of the Peace shall not have power to sentence any such person to be imprisoned with or without hard labor for a longer period than six calendar months, or to be transported.

IV. And it is hereby provided that it shall be lawful for any Justice of the Peace before whom any person is charged with the commission of any simple larceny, at his discretion, instead of trying such person himself, to commit such person for trial before Her Majesty's Supreme Court of Justice in Calcutta.

V. And it is hereby enacted, that every such Justice, after trying any offender charged with the commission of a simple larceny, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say:

Be it remembered that on the———— day of———— in the Year of Our Lord———— at Calcutta, A. B. is (acquitted, or convicted) before me J. P. a Justice of the Peace for the Town of Calcutta, on a charge of simple larceny, for that he the said A. B. did feloniously (here specify the alleged offence and the time and place when and where the same was committed, as the case may be) and I the said J. P. believe the value of the pro-

دستورالعمل کي که رول آرڈننس اور ریگولیشن کہلاتا هی اور واسطے حسن انتظام اور بندوبست آبادي فورٹ ولیم واقعه ملک بنگاله کے باجلاس کونسل ۲۶ جولائي سنه ۱۸۱۴ع کو جاري هوا تها اور سوپریم کورٹ میں بتاریخ ۱۱ نوامبر سنه مذکور کے درج رجسٹر کیا گیا تها از روے دفعه هذا منسوخ کردي گئي *

۲ حکم دیا جاتا هی که جو شخص اندر شهر کلکته کے ماخوذ هو فقط بعلت دزدي تجویز اُسکے جرم کي آگے صاحب جسٹس آف‌دي پیس اُس شهر کے هو سکتي هی لیکن اس شرط پر که نزدیک صاحب موصوف کے قیمت مال مسروقه کي زیادہ بیس روپیه سے نهو *

۳ صاحب جسٹس آف دي پیس مذکور کو نهیں پهنچتا هی اختیار صادر کرنے حکم قید کا زیادہ چهه مهینے سے خواہ قید با مشقت هو خواہ بلا مشقت اور نه اختیار هی اُسکو کسیکي جلاء وطني کے حکم دینے کا *

۴ بیچ مقدمه اُن شخصوں کے که فقط بعلت دزدي ماخوذ هوں صاحبان جسٹس آف دي پیس کو اختیار هی که چاهیں مقدمه کو آپ تجویز کریں چاهیں کلکته کي عدالت سوپریم کورٹ کے سپرد کریں *

۵ بیچ مقدمه شخصوں مذکورہ دفعه بالا کے صاحبان جسٹس آف دي پیس کو لازم هی که بعد تجویز کے فیصله اپنا بعبارت مندرجه ذیل لکهیں اور اگر حال مقدمه کا کچهه مختلف هو تو موافق اوسکے لکهیں لیکن طرز یهي رهے *

عبارت فیصله - بتاریخ فلاں روز فلاں سنه فلاں بیچ مقام کلکته کے مقدمه فلاں شخص کا روبرو مجهه مسمي فلاں جسٹس آف دي پیس شهر کلکته کے روبکار هوا نامبردہ بیچ فلاں مقدمه جرم دزدي کے که فلاں وقت اور فلاں جا اوس سے سرزد هوا اور گرفتاري اوسکي فلاں مقام پر وقوع میں ائي

perty stolen to amount to a sum not exceeding twenty rupees, that is to say —— rupees, and I the said J. P. adjudge the said A. B. (here state that the prisoner is to be discharged, or the punishment he is to suffer, as the case may be.)

Given under my hand, the day and year first above named.

(Signed) ————

VI. And it is hereby enacted, that once at least in every Term, and oftener if required by Her Majesty's Supreme Court of Justice at Calcutta, every such Justice shall transmit to her Majesty's said Supreme Court of Justice all judgments whether of acquittal or conviction passed by him, together with the depositions and examinations of the witnesses and prisoners, there to be kept by the proper officer among the records of the Court.

VII. And it hereby enacted, that upon the trial of any prisoner for simple larceny as aforesaid, every such Justice of the Peace shall require the witnesses against and on behalf of the prisoner to be sworn, or to make solemn affirmation in cases where an affirmation is by law permitted in the place of an oath, and shall cause the depositions of the witnesses and the examination of the prisoner to be reduced into writing, and every such deposition and examination shall be signed by such Justice.

VIII. And it is hereby enacted, that upon the trial of any person charged with the commission of simple larceny before any such Justice of the Peace as aforesaid, if any person being duly summoned by such Justice shall refuse to attend as a witness, or to give evidence, he shall be liable to be punished by Her Majesty's Supreme Court of Justice at Calcutta in like manner as if he had refused to attend as a witness or to give evidence before Her Majesty's said Supreme Court of Justice.

IX. And it is hereby enacted, that upon any conviction for simple larceny as aforesaid, the Justice of the Peace before

تهي نزديك ميرے بري هي يا مجرم ثابت هوا اور مجهكو يقين كامل هي كه قيمت مال مسروقه كي زياده بيس روپيه سے نهيں هي يعنے كل ماليت اوسكي بقدر مبلغ — ے هي اسواسطے حكم ديا جاتا هي كه نامبرده رها كر ديا جاوے يا اوسكو سزاے فلان ديجاوے فقط * دستخط فلان

مرقومه تاريخ مرقومه الصدر

۶ صاحبان جسٹس آف دي پيس كو لازم هي كه بيچ ايام هر جلسه عدالت سو پريم كورٹ كے كم سے كم ايك مرتبه يا جسوقت كه اُس عرصه كے اندر صاحبان عدالت مذكور طلب كريں اُسوقت تمام فيصلے اپنے كه خواه درباب بريت مجرموں كے هوں خواه درباب ثبوت جرم كے خدمت ميں صاحبان اُس عدالت كے بهيجدیا كريں اور همراه اُنكے تمام اظهار و جوابات گواهوں اور مجرموں كے بهي ابلاغ ركهيں كه وهاں بحفاظت اهاكار اُس عدالت كے داخل دفتر رهيں

بيچ مقدمه شخصوں كے كه ماخوذ فقط بعلت دزدي هوں صاحبان جسٹس آف دي پيس كو چاهئيے كه جو گواه ثبوت جرم يا بريت مجرم كے هوں اظهار سب كے بحلف ليں يا جن صورتونميں كه بجاے حلف اقرار جايز هي اقرار كرالیں اور تمام اظهار گواهوں كے اور جواب مجرم كے لكهوا كے اپنے دستخط سے مزين كرديں

۸ بيچ مقدمه اشخاص مذكوره بالا كے اگر كوئي گواه باوجود اجراء سمن بيچ حاضر آنے يا دينے گواهي كے عذر لاوے تو اُسكو حضور صاحبان سوپريم كورٹ كلكته سے مثل گواهوں عدالت سوپريم كورٹ كے هي سزا هوسكتي هي *

۹ بروقت ثبوت جرم دزدي كے صاحب جسٹس اف دي پيس كو لازم هي كه اگر برآمد مال هوسكتي هو مال مالك يا اُسكے قايم مقام كو دلوا ديں

whom any person shall be so committed shall have power to order the restitution of the property stolen, if forthcoming, to the owner or his representative, and in case of its not being restored pursuant to such order, to impose on any person refusing or neglecting to restore the same a fine not exceeding twenty rupees, and in default of payment to adjudge the person guilty of such neglect or refusal to be imprisoned for the space of one calendar month unless the property be sooner restored.

X. And it is hereby enacted, that all persons charged with the commission of any assault or battery on board of any Merchant Ship employed on Sea Voyages, in the River Hooghly, or the mouths thereof, being part of the Territories of the East India Company, may be tried before any such Justice of the Peace, and on conviction shall be liable to be punished by a fine not exceeding one hundred rupees, to be levied and enforced in manner provided by Act II. of 1839. And all the Provisions of this Act made in the case of charges of simple larceny shall, as far as they are applicable, be applied in the case of such charges of assault or battery as aforesaid.

XI. And it is hereby declared, that nothing in this Act contained shall be construed to affect the remedy of any person aggrieved by the conviction of any Justice of the Peace through the means of the Writ of Certiorari.

اور جو شخص کہ اطاعت اِس حکم کي نہ کرے مال مسروقہ کے واپس کرنے میں انکار یا تساهل کرے چاهیئے کہ بیس روپیہ تک جتنا جرمانہ مناسب هو اُس پر کیا جاوے اور جرما نہ داخل نہو تو ایك مہینے تك قید کیا جاے اور اگر ایك مہینے کے اندر مال نکل آوے تو تا بر آمد مال *

۱۰ حکم هی کہ جوشخص بعلت جرم حملہ اور تاخت کرنے کے اوپر کسي جہاز تجارت کے کہ دریاے هگلي سے گذر تا هو یا بیچ کسي شعبہ اُس دریا کے درمیان علاقہ سرکار کمپني کے جاتا هو ماخوذ وگرفتار کئے جاویں تجویز اُنکے جرم کي آگے صاحب جسٹس آف دي پیس مذکورہ بالا کے هو سکتي هی اور درصورت ثبوت جرم کے ایسے شخص قابل جرما نہ ایك سو روپیہ تك کے هیں اور یہہ جرمانہ چاهیئے کہ بموجب قانون ۲ سنه ۱۸۴۹ ع کے وصول کیا جاوے اور جو احکام کہ اُس قانون میں درباب مقدمات دزدي کے لکھے گئے هیں حسب موقع اِن مقدمونسے بهي متعلق هونگے *

۱۱ حکم هی کہ جو شخص بذریعہ رٹ آف سر شیورپرائي کے حکم صاحب جسٹس آف دي پیس کو موجب ظلم کا اپنے حق میں تصور کرے چارہ کار اپنا کرسکتا هی اور کوئي حکم اِس قانون کا مانع اِس بات کا نہیں فقط *

J. J. MOORE,
Urdu Translator.

ACT No. XXII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 9th September, 1839.

AN Act for enabling persons charged with offences to make their defence more effectually.

I. Whereas it is expedient to extend to the territories under the Government of the East India Company, the provisions of the Statute 6th and 7th William IV. Chapter CXIV:

It is therefore hereby enacted, that all persons tried for any offence in any of Her Majesty's Courts of Justice shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the law, or by Attorney in Her Majesty's Courts of Justice where Attorneys may practise as Counsel.

II. And it is hereby declared and enacted, that in all cases of summary conviction by a Magistrate or Justice of the Peace, exercising jurisdiction within the limits of any of Her Majesty's Supreme Courts, persons accused are and shall be admitted to make their full answer and defence and to have all witnesses examined and cross-examined by Counsel or Attorney.

III. And it is hereby enacted, that all persons who after the passing of this Act shall be held to bail, or committed to prison, for any offence against the law for which they are to be tried before any of Her Majesty's Courts of Justice, shall be entitled to require and have on demand (from the person who shall have

قانون نمبر ۲۲ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے کونسل کے اجلاس میں ۹ ستمبر سنه ۱۸۳۹ ع کو صادر هوا

قانون درباب انتظام اِس بات کے که مجرم اپنے مقدمونمیں جوابدهي اچهي طرح کرسکیں *

چونکه متعلق کرنا آئین ششم اور هفتم مصدرہ شاہ ولیم چہارم مندرجه باب ۱۱۴ کا علاقجات عملداري سرکار کمپني سے ضروري هی *

اسواسطے حکم دیا جاتا هی که جن شخصوں کے جرم کي تجویز بیچ کسي عدالت شاهي کے هو بروقت اختتام مقدمه کے اُنکو اجازت دیدیجاوے که جواب اپنے بریت کا مفصل بذریعه وکلا کے یا جهان که ایٹرني یعنے مختار مقرر هوں وهاں بذریعه ایٹرني گذرانیں *

۲ حکم دیا جاتا هی که جن شخصوں کا مقدمه حضور کسي مجسٹرٹ یا جسٹس آف دي پیس علاقه سوپریم کورٹ کے بطریق سرسري تجویز کیا جاوے اختیار هی اُنکو که بذریعه وکیل یا ایٹرني کے جواب مفصل اپني بریت کا گذرانیں اور گواهوں کے اظهار بهي معرفت اُنکے دلواویں *

۳ حکم هی که بعد اجراء اس قانون کے جو شخص کسي جرم کي علت میں ماخوذ هوکر حضور صاحبان جسٹس آف دي پیس سے قابل رهنے زیرضمانت کے یا قیدکے هو اختیارهی اُسکو که جس شخص کي حوالات میں

the lawful custody thereof, and who is hereby required to deliver the same) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same to be fixed by such Courts respectively. Provided always, that if such demand shall not be made before the day appointed for the commencement of Sessions at which trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Judge at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent to such Judge, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

IV. And it is hereby enacted, that all persons under trial in any of Her Majesty's Courts of Justice shall be entitled, at the time of their trial, to inspect, without fee or reward, all depositions or copies thereof which have been taken against them, and returned into the Court before which such trial shall be had.

رکھا جاے اُسسے نقل اظہار اُن گواهوں کي کہ جنکے اظہاروں کے روسے قابل ضمانت یا قید هوا هو طلب کرے اور اُس شخص کو لازم هی کہ بعد وصول هونے زر معینہ کے کہ حضور صاحبان عدالت مذکور سے مقرر کیا جاوے نقل اُسکي حواله کرے لیکن جو شخص کہ قبل از روز شروع هونے تجویز مقدمہ کے درخواست نقول اُن کواغذکي نہ کریگا اُسکو نقلیں اُنکي نہ ملیں گے اور اگر ملیں گي بهي تو اُس صورتمیں کہ نزدیك صاحب تجویز کنندہ مقدمہ کے کسي طرح کا هرج اور توقف بیچ تجویز مقدمہ کے نہ متصور هو اور اگر صاحب موصوف جانے تو اختیار هی اُسکو یہہ بهي کہ جب تك نقل اظہار گواهوں کي اُسکو ملے توقف بیچ تجویز مقدمہ کے کرے *

۴ جن لوگوں کے مقدمے کہ بیچ کسي عدالت شاهي کے دائر هوں پہنچتا هی اُنکو کہ بر وقت تجویز کے اصل یا نقلیں اُن تمام اظہاروں کي کہ خلاف مراد اُنکے دیئے گئے اور بیچ عدالت تجویز کنندہ مقدمہ کے موجود هوں پڑہ لیں فقط *

J. J. MOORE,
Urdu Translator.

ACT No. XXIII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 23rd September, 1839.

An Act for authorizing sentences of Imprisonment with or without Hard Labor by Courts Martial in certain cases.

It is hereby declared and enacted, that in all cases in which, by a General Order of the Governor General of India in Council dated the 24th of February in the year of our Lord 1835, it is made competent for Courts Martial to sentence Soldiers of the Native Army in the service of the East India Company to the punishment of dismissal from such service, it is and shall be lawful to sentence such Soldiers to be imprisoned with or without hard labour for any period not exceeding two years if the sentence be pronounced by a General Court Martial, or not exceeding six months if the sentence be pronounced by a Regimental or Detachment Court Martial. And every Soldier so sentenced to imprisonment with hard labour for any period whatever, or to imprisonment without hard labour for any period exceeding six months, shall after confirmation of his sentence be dismissed from such service. Provided always, that all sentences under this Act pronounced by any Court Martial inferior to a General Court Martial, shall require the confirmation of the General or other officer Commanding the Division or Field Force to which the person convicted belongs.

قانون نمبر ۲۳ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے کونسل کے اجلاس میں ۲۳ ستمبرسنه ۱۸۳۹ ع کو صادر هوا

قانون درباب دینے اختیار کے عدالتہاے کورٹ مارشل کو واسطے صادر کرنے حکم قید با مشقت یا بلا مشقت کے بیچ بعض مقدموں کے *

ازروے اس قانون کے حکم دیا جاتا هی که جن مقدمونمیں کورٹ مارشل کو ازروے جنرل ارڈر نواب گورنر جنرل بہادر کے که باجلاس کونسل بتاریخ ۲۴ فدروري سنه ۱۸۳۵ع صادر هوا تها اختیار موقوف کردینے هندوستاني سپاهیوں ملازم سرکار کمپني کا حاصل هی اون مقدمونمیں عدالتوں جنرل کورٹ مارشل کو اختیار هوگا دو برس تك کي قید کرنے کا با مشقت هو یا بلا مشقت اورکورٹ مارشل حارسان قلعه یا چهاوني کو اختیار هوگا ایك برس تك کي قید کرنیکا اور رجمنٹ یا ایك جزو سپاه کي کورٹ مارشل کو فقط چهه مهینے تك کي قید کا اور جس سپاهي کے واسطے که حکم قید کا هوگا با مشقت واسطے کسي مدت کے یا بلا مشقت واسطے ایك میعاد کے زیادہ چهه مهینے سے وہ سپاهي بعد منظوري اوس حکم کے نوکري سے برطرف کر دیا جاویگا اور جاننا چاهیئے که جو حکم که بموجب اس قانون کے جنرل کورٹ مارشل سے کم رتبه والي کوئي عدالت صادر کریگي اوسکے واسطے منظوري صاحب جنرل یا کمان افسر ڈویژن یا کمان افسر سپاه متعینه جنگ کي ضرور چاهیئے گي فقط *

J. J. MOORE,

Urdu Translator.

ACT No. XXVI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 2nd December, 1839.

AN Act for regulating inquiries into the truth of matters implicating the public conduct of Officers not removable without the sanction of Government within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to consolidate the enactments contained in the Regulations concerning inquiries into the truth of matters implicating the public conduct of European Officers, and to amend the same in various particulars, and to extend the same to all Officers not removable without the sanction of Government:

It is hereby enacted, that such parts of Section 10, Regulation V. of 1793, and of Section 10, Regulation IV. of 1803 as relate to charges of Corruption;

Section 8, Regulation VI. of 1793;

Section 8, Regulation V. of 1803;

Clauses 9, 10, and 11, and such other parts of Section 9, Regulation XIII. of 1793 as relate to Covenanted Servants of the Company;

Clauses 9, 10, and 11, and such other parts of Section 12, Regulation XII. of 1803 as relate to Covenanted Servants of the Company;

Section 4 and all the following Sections of Regulation VIII. of 1806;

Regulation X. of 1806, excepting so much of Section 10 of that Regulation as relates to Security required from persons

قانون نمبر ۲۶ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے کونسل کے اجلاس میں ۲ دسمبر سنه ۱۸۳۹ ع کو صادر هوا

قانون درباب تحقیقات راست و دروغ نالشوں بد عملي ایسے عهدہ دارونکي که جو بدون منظوري گورنمنٹ پریسیڈنسي کے عهدہ سے معزول نہیں هوسکتے هیں *

۱ چونکہ یکجا جمع کرنا تمام قانونوں کا که درباب تحقیقات راست و دروغ نالشات بد عملي حاکمان انگریزي کے هیں اور بعض مراتب میں ترمیم اون قانونوں کي اور منسوب کرنا اونکا اون سب عهدہ دارونسے که جو بدون منظوري گورنمنٹ کے عهدہ سے معزول نہیں هوسکتے هیں مناسب معلوم هوتا هی اسواسطے حکم دیا جاتا هی که قوانین اور احکام مفصلۂ ذیل معه اون قانونوں اور حکموں کے که جنکے روسے وہ کسي علاقه واقعه پریسیڈنسي بنگالہ سے متعلق کر دیئے گئے هیں منسوخ سمجھے جاویں - تفصیل احکام و قوانین منسوخه کي یہه هی — دفعه ۱۰ قانون ۵ سنه ۱۷۹۳ع اور دفعه ۱۰ قانون ۴ سنه ۱۸۰۳ ع کے وہ احکام که درباب رشوت ستاني کے هیں *

دفعه ۸ قانون ۲ سنه ۱۷۹۳ع

دفعه ۸ قانون ۵ سنه ۱۸۰۳ ع

ضمن ۹ و ۱۰ و ۱۱ و غیرہ احکام دفعه ۹ قانون ۱۳ سنه ۱۷۹۳ ع کے که سرکار کمپني کے ملازمان متعهد سے متعلق هیں *

قانون ۸ سنه ۱۸۰۶ ع دفعه ۴ سے دفعه آخر تک *

قانون ۱۰ سنه ۱۸۰۶ ع سواے اوسقدر مضمون دفعه ۱۰ کے که درباب لینے

preferring charges against Hindoo or Mahomedan Law Officers, or Native Ministerial Officers of Courts;

Regulation XVII. of 1813;

Regulation VIII. of 1817;

And Sections 5 and 6 of Regulation VIII. of 1825; of the Bengal Code;

Together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort William in Bengal; be repealed.

II. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, whenever either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Boards of Revenue, or the Board of Customs, Salt and Opium, shall be of opinion that substantial grounds exist for making a regular and formal inquiry into the truth of any imputation of Official misconduct affecting any Officer subject to their control respectively, and not removable without the sanction of Government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges reduced to distinct articles which they may propose to be made the subject of a regular investigation, to the Governor of Bengal, or to the Lieutenant-Governor of the North Western Provinces, or to any functionary exercising the authority of Government in the North Western Provinces, as the case may be, according to the authority to which they may be subject, for his consideration and orders.

III. And it is hereby enacted, that any charge or information, of the description aforesaid, may be preferred direct to either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Boards of Revenue, or the Board of Customs, Salt and Opium, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and require the party accused to explain or reply to

ضمانت کے هی اون لوگونسے جونالشي هوں بنام مفتي اور پنڈتوں اور هندوستاني اهلکاروں عدالتوں کے *

قانون ۱۷ سنه ۱۸۱۳ع *

قانون ۸ سنه ۱۸۱۷ع *

دفعات ۵ اور ۶ قانون ۸ سنه ۱۸۲۵ ع *

۲ حکم هی که پریسیڈنسي فورٹ ولیم واقعه ممالک بنگاله کے علاقه میں جسوقت صاحبان صدر دیواني اور نظامت عدالت یا صاحبان صدر بورڈ ریوینیو یا صاحبان بورڈ پرمٹ نمک و افیون کے تابعین میں سے کسي ایسے شخص پر بد معاملگي کي نالش هو که معزولي جسکي بدون منظوري گورنمنٹ کے جایز نهیں هی اور صاحبان موصوف چاهیں که تحقیقات مقدمه کي حسب ضابطه اور بطریق نمبري هو تو لازم هی اونکو که تمام کاغذات که بملاحظه جنکے راے اونکي مقتضي اس بات کي هوئي هو معه ایک کیفیت مفصل تمامي مراتب تنقیح طلب کے خدمت میں گورنر بهادر ملک بنگاله یا لفٹننٹ گورنر بهادر ملک غربي کے یا بحضور اوس حاکم اعلی کے که اختیار گورنمنٹ ملک غربي کا رکهتا هو بلحاظ علاقه گورنمنٹ کے ابلاغ رکهیں که وهانسے بعد ملاحظه حکم مناسب صادر کیا جاوے *

۳ حکم هی که اسطرح کي نالش یا مخبري خود صدر دیواني اور نظامت عدالت اور صاحبان صدر بورڈ ریوینیو اور بورڈ پرمٹ نمک و افیون کے حضور میں بلا واسطه دوسري عدالت کے بهي هوسکتي هی اور اون صاحبوں کو چاهیئے که مستغیث اور مخبر سے بحلف یا درصورتیکه وه حلف سے معاف هو تو ازروے اقرار کے اظهار لیں اور جس بات کا دریافت کرنا که الزام

any matters they may deem to need explanation and make such further inquiries, upon oath or affirmation upon the subject as they may judge proper.'

IV. And it is hereby enacted, that any charge or information may also be made before any Judge, Magistrate, Commissioner of Revenue, or Collector, for any acts of the description beforementioned committed within their jurisdiction, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and shall transmit the deposition so taken to the Sudder Dewanny and Nizamut Adawlut, the Sudder Board of Revenue, or the Board of Customs, Salt and Opium, according as the person accused may be subject to those Authorities respectively.

V. And it is hereby provided, that it shall not be lawful for the Courts of Sudder Dewanny and Nizamut Adawlut, or the said Boards, respectively, to act upon any such charge or information, unless the person preferring the same shall make oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And it is hereby provided, that it shall be lawful for the Courts of Sudder Dewanny and Nizamut Adawlut, and for the said Boards, respectively, to dismiss any such charge or information, where they do not see any substantial reason for entering further into the inquiry. Provided, that on every occasion when they shall dismiss any such charge or information, they shall submit the same, together with all the circumstances of the case, in like manner as is provided in Section II. of this Act.

VII. And it is hereby provided, that the said Courts of Sudder Dewanny and Nizamut Adawlut, and the said Boards, re-

لگائے گئے شخص سے مناسب هو اُسکي کیفیت مفصل یا جواب طلب رکھیں اور اگر کچھه اور تحقیقات کیا چاهیں بحلف یا ازروے اقرار کے اظهار اوس باب میں بهي لیں *

۴ حکم هی که نالش اور مخبري بد معاملگي کي صاحب جج اور مجسٹرت اور کمشنر مال اور کلکٹر کے حضور بهي با عتبار هرایك کے علاقه کے هو سکتي هی اور ان صاحبونکو بهي لازم هی که نالشي اور مخبر سے اظهار بحلف یا باقرار لیں اور اون اظهارونکو خدمت میں صاحبان صدر دیواني اور نظامت عدالت کے یا صاحبان صدر بورڈ ریونیو یا پرمٹ نمک و افیون کے یعنے جن سے که مجرم علاقه رکهتا هو بهیجدیں *

۵ جب تك که نالشي یا مخبر راست و صحیح هونا بذاء نالش اور اتهام کا بحلف یا درصورتیکه اقرار جایز هو تو با قرار بیان نه کرے صاحبان صدر دیواني اور نظامت عدالت اور صاحبان بورڈ ممدوح کو نهیں چاهیئے که اوس پر التفات کریں *

۶ حکم هی که اگر صاحبان صدردیواني اور نظامت عدالت اور صاحبان بورڈ ممدوح بیچ کسي ایسے مقدمه کے کوئي وجهه موجهه سماعت اور تحقیقات کي نه دیکهیں تو اِختیار هی اونکو که تسمس کر دیں لیکن اتنا لازم هی که مقدمه کو صعه کیفیت اوسکے حالات کے اس قانون کي دفعه ۲ کے بموجب گورنمنٹ میں بهیجدیں *

۷ صاحبان صدر دیواني اور نظامت عدالت اور صاحبان بورڈ ممدوح کو اختیار هی که نالشي یا مخبر سے ضمانت معتبر اس بات کي که وه مقدمه

spectively, may at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable that he will attend and prosecute the charge to a conclusion, and in the event of security being so required all proceedings shall be stayed until the same shall be furnished accordingly.

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid affecting such Officer as is mentioned in the second Section of this Act shall appear in the course of any proceedings, whether preliminary or otherwise, which shall come before or be reported to either of the Courts of Sudder Dewanny and Nizamut Adawlut, or any of the said Boards, respectively, those authorities shall act upon such matter, or institute such inquiry upon oath or affirmation as aforesaid into the same as they shall deem proper for the purpose of such reference as aforesaid to the Governor of Bengal, or to the Lieutenant-Governor of the North Western Provinces, or to the Authority exercising the powers of Government in those Provinces as aforesaid, although no charge or information be preferred as aforesaid ; and in such cases it shall not be necessary, before acting upon or instituting any inquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And it is hereby enacted, that if the Governor of Bengal, or the Lieutenant-Governor of the North Western Provinces, or the Authority exercising the powers of Government in those Provinces as aforesaid, upon such reference as is mentioned in the second Section of this Act, shall concur with the Authority by which it may be submitted, or if such Governor or Lieutenant-Governor or Authority exercising the powers of Government shall, from information of the description aforesaid that may be laid before him in respect to such officers as aforesaid not directly subject to the Courts or Boards above named,

کي پيروي ميں ساعي و سرگرم رهے اثناء تجويز ميں جسوقت چاهيں طلب کريں اور درصورت طلب ضمانت کے جب تک که ضمانت داخل نهو مقدمه کي طرف متوجه نهوں *

۸ اگر کسي مقدمه کي تجويز ميں بد معاملگي کسي صاحب مذکوره دفعه ۲ قانون هذا کي خود صاحبان صدرديواني اور نظامت عدالت يا صاحبان بورڈ ممدوح پر ظاهر هووے يا انکي خدمت مين رپورٹ کسي کي بد معاملگي کي آوے تو اونهيں لازم هی که گو حسب مرقومه دفعات بالا کسيکي طرف سے نالش يا مخبري بهي نهوئي هو پهر بهي اُس پر توجهه کرين اور گورنر بهادر ملک بنگاله يا ممالک مغربي کے لفٹننٹ گورنر بهادر يا اوس حاکم اعلیٰ کے حضور که جسکو اِختيار گورنمنٹ ملک غربي کا هو يعنے بحسب علاقه گورنمنٹ کے مقدمه کے بهيجنے کے لئے جتني تحقيقات مناسب جانيں بحلف يا ازروے اِقرار جيسا که اوپر لکها گيا هی کريں اور ايسي صورت ميں پيشتر تحقيقات سے درباب راستي مقدمه کے کسي سے حلف کرانا يا اقرار کرانا ضرور نهوگا *

۹ حکم هی که اگر راے بنگاله کے گورنر بهادر کي يا ممالک مغربي کے لفٹننٹ گورنر بهادر کي يا اوس حاکم اعلیٰ کي جسکو اختيار گورنمنٹ ملک غربي کا حاصل هو مطابق راے حاکم اِبلاغ کنندهٔ مقدمه کے هووے يا خود اونکے حضور اطلاع پهنچے درباب بد معاملگي کسي ايسے شخص کے که خاص تابع صاحبان صدر عدالت يا صدر بورڈ ممدوح کے نهو اور وه

deem it necessary to institute proceedings against any such officers, he shall appoint a Commissioner or Commissioners for making a regular and formal inquiry into the truth of the matters referred.

X. And it is hereby enacted, that on the appointment of every such Commission, the said Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces, shall direct whether the Commission shall be placed under the control of any of the Authorities aforesaid, or shall act immediately under the authority of Government, and all Commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the Government to which they may be respectively subordinate.

XI. And it is hereby enacted, that the Commissioner or Commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following oath:—

I, A. B., Commissioner for the purpose of (here state the object of the Commission) do solemnly swear that I will faithfully and impartially perform the duty committed to me without fear, favor, or bias, to the best of my ability, knowledge, and judgment; so help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a Special Commission, the said Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces, will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the said Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces, will nominate such person or persons as may be deemed proper, to conduct the prosecution on behalf of Government.

اوس پر بعلت اوس بد معاملگي کے نالش کراني مناسب جانيں تو بطريق نمبري اور حسب ضابطه تحقيقات کرنيکے واسطے ايك يا کئي کمشنر مقرر کريں *

۱۰ حکم هی که بعد تقرر کمشنران مذکور کے گورنر بهادر بنگاله يا لفٹننٹ گورنر بهادر يا حاکم اعلیٰ ممدوح تجويز اس امر کي فرماويں که آيا کمشنران مذکور تحقيقات مقدمه کي حاکمان مذکوره بالا ميں سے کسيکے زير اهتمام کرينگے يا خود گورنمنٹ اهتمام اوسکا رکھے گي اور کمشنران مذکور کو لازم هی که جو هدايتيں اونکے نام اس باب ميں گورنمنٹ سے صادر هوں اون پر عمل کريں *

۱۱ حکم هی که جو کمشنر حسب مرقومة الصدر مقرر هو پيشتر کام شروع کرنے سے حلف اس مضمون کا کرے که —

ميں مسمي فلان که واسطے فلان کام کے کمشنر مقرر هوا هوں اپنے ايمان سے حلف کرتا هوں که ميں اپنے امورات مفوضه کو بديانت اور بلا طرفداري اور بلاخوف و رعايت اپني لياقت اور فهم و فراست کے موافق بخوبي انجام دونگا و هو المستعان *

۱۲ حکم هی که جب اسطرح کا مقدمه تحقيقات کے واسطے کمشن خاص کے سپرد هو گورنر بنگاله اور لفٹننٹ گورنر بهادر اور حاکم اعلیٰ ممدوح کو اختيار هوگا که يا تو نالشي کو مدعي رکھيں يا حکم ديں که سرکار مدعي هو اور درصورت مدعي هونے سرکار کے جن شخصوں کو که مناسب جانيں واسطے پيروي مقدمه کے نامزد فرماويں *

XIII. And it is hereby enacted, that it shall be the duty of Commissioners appointed under this Regulation, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused; to receive any further written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

XIV. And it is hereby enacted, that for the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a Commission under this Regulation, such Commission shall be vested with the same powers as are exercised by the Zillah and City Courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through the Zillah or City Judge in whose jurisdiction the Commission may be held, and executed by the Zillah or City Judge in whose jurisdiction the witness or other person upon whom the process is to be served may reside.

XV. And it is hereby enacted, that on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observations upon the result of the inquiry which he may think necessary for the vindication of his conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

XVI. And it is hereby enacted, that as soon after the con-

۱۴ جسوقت کہ عرضي نالش کي معہ اُن کاغذات کے کہ بناء عرضي دعوي کي اُن پر ہو روبرو صاحبان کمشنر کے گذرے لازم ہی اُنکو کہ الزام لگائے گئے شخص کو جوابدہي کے لئے طلب کریں اور طرفین کے گواہوں کي گواہي بحلف یا باقرار لیں اور اگر گواہونکي گواہي سے یا اُن کاغذوں کے ملاحظہ سے جو پیش کیئے جاویں کسي اور گواہ کا طلب کرنا اتہام کي راستي اور ناراستي یا طرفین کے کذب وصدق یا کسي اور بات کي تحقیقات کے واسطے ضرور ہو تو اُسے بھي طلب کرکے اُسکے اظہار قلمبند کریں *

۱۵ اگر کوئي کام امورات مذکورۂ دفعۂ بالا میں سے یا اور کوئي کام کسي صاحب کمشن مرقومۃالصدر کے سپرد ہو تو اُسکو اُس کام کے انصرام میں وہي اِختیار حاصل ہونگے کہ جو صاحبان عدالت ضلع و شہر کو حاصل ہیں مگر جب گواہوں کو بزور طلب رکھنا ہو یا اور کوئي کام کسي سے بزور کرانا ہو تو حکم اُس باب میں پیشگاہ سے صاحب جج اُس ضلع یا شہر کے صادر ہوگا کہ جسکے علاقہ میں وہ صاحب کمشن مقرر ہو اور اجرا اُس حکم کا اُس ضلع یا شہر کے صاحب جج کي معرفت عمل میں آویگا کہ جسکے علاقہ میں گواہ و غیرہ کہ جسکے نام حکم صادر ہوا ہو سکونت رکھتا ہوگا *

۱۵ حکم ہی کہ طرفین کے گواہونکي گواہي کے بعد الزام لگائے گئے شخص کو اِختیار ہوگا کہ بنظر نتیجہ تحقیقات کے جو مراتب واسطے اپنے بریت کے مناسب جانے لکھے اور اسیطرح اتہام لگانے والے کو یا اُس شخص کو کہ سرکار کي طرف سے واسطے پیروي مقدمہ کے مقرر ہوا ہو اِجازت ہوگي کہ جن باتونسے اُسکي دانست میں مقدمہ باثبات پہنچتا ہو لکھہ کر پیش کرے *

۱۶ صاحب یا صاحبان کمشن کو چاہیئے کہ اگر تقرر اُنکا خاص متعلق

clusion of the proceedings as circumstances shall permit, the Commissioner or Commissioners shall, when the Commission shall be instructed to act immediately under the authority of Government, submit directly to the Government, to which he or they may be subordinate, and in other cases to the Controlling Court or Board, the proceedings under the Commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor, Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces, or the Controlling Court or Board, upon consideration of the report of any such Commission as aforesaid, to direct the Commissioner or Commissioners to take further evidence, or to give further explanation of his or their opinion or opinions connected with the case investigated, and the Commissioner or Commissioners are authorized and required to take such further evidence, and to give such further explanation.

XVIII. And it is hereby enacted, that the Sudder Dewanny and Nizamut Adawlut, or the Board to which any report of a Commissioner or Commissioners may be submitted as aforesaid, after due consideration of the same, and after obtaining such further evidence or explanations as they may require, shall submit the whole of the proceedings and documents received by them to the Government to which they may be subordinate, together with their opinion whether any and what charges have been established against the accused.

XIX. And it is hereby provided, that whenever a Special Commission may be appointed under the Provisions of this Act, the said Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Pro-

به گورنمنٹ هو تو بعد اِختتام مقدمه کے حتی‌الامکان بہت جلد تمام مثل مقدمه معه اُسکے ترجمه انگریزي اور خلاصه کاغذات پلیڈ نکس اور اِظہار گواهوں اور اپني راے کے خود گورنمنٹ میں بهیجدیں اور نہیں تو صاحبان صدر دیواني عدالت یا صاحبان صدر بورڈ کو ابلاغ رکهیں *

۱۷ حکم هی که گورنر بهادر بنگاله اور ممالک مغربي کے لفٹننٹ گورنر بهادر یا حاکم اعلی ممالک مذکوره کو اور صاحبان صدر دیواني اور نظامت عدالت اور صدر بورڈ کو اِختیار هوگا که صاحبان کمشن کي رپورٹ کے ملاحظه کے بعد اگر ضرور جانیں تو صاحبان کمشن مذکور کو مقدمه میں زیاده ثبوت طلب کرنے کا یا اپنے راے زیاده صراحت کے ساتهه لکهنے کا حکم دیں اور اُنکو لازم هی که بموجب اُنکے حکم کے عمل کریں *

۱۸ حکم هی که جب صاحبان صدر دیواني و نظامت عدالت یا صاحبان صدر بورڈ کے حضور رپورٹ صاحبان کمشن کي پیش هو اور وه اُسپر خوب ملاحظه کرکے حسب دلخواه ثبوت اور کیفیت مقدمه طلب کرچکیں تو اُنکو لازم هی که مقدمه کي سب مثل اور دستاویزات و نوشته جات علاقه کي گورنمنٹ کو ابلاغ رکهیں اور اپني راے بهي اِس باب میں لکهیں که مقدمه ثابت هوا یا نہیں هوا اور اگر هوا تو کیا ثابت هوا *

۱۹ بروقت مقرر هونے کمشن خاص کے بنگاله کے گورنر بهادر اور لفٹننٹ گورنر بهادر ملک غربي اور حاکم اعلی ممدوح کو تجویز

vinces will determine, on a view of the nature and circumstances of the case, whether the accused officer shall be suspended from the discharge of the functions of his office; and if so, whether he shall be permitted to draw the established allowances of his office or otherwise.

XX. And it is hereby provided, that the Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces, on consideration of the report and proceedings submitted to him, in pursuance of Sections XVI. and XVIII. of this Act, will pass such decision on the case as may appear to him most consonant to the principles of justice, and consistent with the powers possessed by Government in matters of this description; and in the event of his deeming it necessary that the party accused should be brought to trial, by a public prosecution before a competent Court of Law, will issue the necessary instructions for that purpose to the Law Officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any public Officer will be at all times at liberty to seek redress according to the ordinary forms prescribed by Law.

XXI. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions respecting the dismissal and suspension of Principal and other Sudder Ameens contained in Section XXVI. of Regulation V. of 1831, or the provisions respecting the dismissal of Deputy Collectors contained in Section XXV. of Regulation IX. of 1833. Provided always, that it shall be lawful for the Governor of Bengal, or the Lieutenant-Governor of the North Western Provinces, or the Authority exercising the powers of Government in these Provinces, respectively, upon any such reference as is mentioned in Section XXVI. of Regulation V. of 1831, and Section XXV. of Regulation IX. of 1833, at his discretion, to appoint a Commissioner or Commissioners for making such

کر دینا یہہ بھي چاھیئے کہ الزام لگایا گیا شخص قابل معطل ھونیکے ھی یا نہیں اور اگر ھی تو اپنے عہدہ کي تنخواہ پاویگا یا نہ پاویگا *

۲۰ حکم ھی کہ جب اِس قانون کي دفعہ ۱۶ اور ۱۸ کے بموجب گورنر بہادر مالک بنگالہ یا لفٹننٹ گورنر بہادر و حاکم اعلی گورنمنٹ ملک غربي کے حضور کواغذ مقدمہ پیش ھوں تو اُنکو چاھیئے کہ ملاحظہ فرما کر جو حکم کہ بنظر عدل و انصاف مناسب جانیں اور بیچ اِختیار اُنکے کے ھو صادر کریں اور اگر وہ یہہ بات ضرور جانیں کہ الزام لگائے گئے شخص کي تجویز کے واسطے سرکار کي طرف سے عدالت مختار میں نالش کیجاوے تو اِس باب میں سرکار کے کسي عہدہ دار کو حکم ضروري صادر فرماویں اور جو شخص کہ صاحب کمشن کي تجویز سے یا گورنمنٹ کے حکم سے ناراض ھو اِختیار ھی اُسکو کہ حسب دستور عدالت میں نالش کرے *

۲۱ حکم ھی کہ جو احکام کہ صدرالصدور اور صدز امینوں کي معزولي اور معطلي کے باب میں بیچ قانون ۵ سنہ ۱۸۳۱ ع کي دفعہ ۲۶ کے درج ھیں اورجوحکم کہ درباب موقوفي ڈپٹي کلکٹروں کے دفعہ ۲۵ قانون ۹ سنہ ۲۳ ۱۸ ع میں لکھے گئے ھیں وہ اِس قانون کے کسي حکم سے منسوخ نہیں ھوئے ھیں لیکن بنگالہ کے گورنر بہادر اور ملک مغربي کے لفٹننٹ گورنر بہادر یا حاکم مختار گورنمنٹ کو اِختیار ھوگا کہ جب کسي صدرالصدور یا صدرامین کي نسبت حسب منشاء قانون ۵ سنہ ۳۱ ۱۸ ع کي دفعہ ۲۶ کے یا کسي

regular and formal inquiry touching imputations of official misconduct affecting any Principal or other Sudder Ameen or any Deputy Collector as he shall think fit, in manner as is directed by this Act, and subject to its provisions.

ڈپٹي کلکٹر کي نسبت بموجب دفعه ۲۵ قانون ۹ سنه ۱۸۴۳ ع کے کوئي مقدمه اُنکے حضور میں پہنچے تو ایك صاحب کمشنر یا کئي مقرر کرکے اِس قانون کے حکمون کے بموجب تحقیقات کرنیکا حکم دیں فقط *

J. J. MOORE,
Urdu Translator.

ACT No. XXVII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th December, 1839.

An Act for authorizing the Court of Requests for the Town of Calcutta to execute decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24-Pergunnahs in certain cases.

I. Whereas execution of the decrees of the Courts of Justice of the Zillah of the 24-Pergunnahs is often defeated by the parties against whom the same have been obtained absconding from the limits of the said Zillah into the Town of Calcutta; and whereas by Regulation XVI. of 1812, of the Bengal Code, provision is made, where the like inconvenience occurs by parties absconding from the Town of Calcutta into the said Zillah, for the Judge of the said Zillah enforcing the judgments of the Court of Requests of the Town of Calcutta:

It is hereby enacted, that if the defendant in any suit decided by any Court of Justice of the Zillah of the 24-Pergunnahs the Plaintiff in which shall have obtained a decree, shall retire before execution of the same into the jurisdiction of the Court of Requests, that Court, upon receiving a written application from the Judge of the Dewanny Adawlut, of the Zillah of the 24-Pergunnahs, setting forth the above circumstances, and accompanied by a copy of the decree duly authenticated, is hereby authorized and directed to proceed to execute the said decree in the mode prescribed for the execution of judgments obtained in the Court of Requests, and on payment of the like costs as are de-

قانون نمبر ۲۷ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضورسے کونسل کے اجلاس میں ۱۹ دسمبر سنه ۱۸۳۹ع کو صادر هوا

قانون درباب حاصل هونے اختیارکے عدالتهاے کورٹ ریکوست شهر کلکته کو بیچ مقدمه جاري کرنے بعضے ڈگریوں مصدرہ عدالت ضلع بست و چهار پرگنه کے *

۱ چونکه اکثر ڈگریان عدالتوں ضلع بست وچهار پرگنه کي به سبب بهاگ جانے مدیونون ڈگري کے بیچ شهر کلکته کے اجرا هونے نهیں پاتے هیں اور ازروے قانون ۱۶ سنه ۱۲ ۱۸ ع کے حکم هی که اگر کوئي مدیوں ڈگري شهرکلکته سے بهاگ کر بیچ ضلع بست و چهارپرگنه کے جا بیٹهے تو صاحب جج اُس ضلع کا ڈگري مصدرہ کورٹ ریکوست شهر کلکته کي جاري کردے —

اسواسطے اب حکم دیا جاتا هی که جس مقدمه میں عدالت بست و چهار پرگنه سے ڈکري بنام مدعي صادر هو اور مدعا علیه پیشتر اجراء اُسکے سے بیچ علاقه عدالت کورٹ ریکوست کے جابیٹهے تو حاکم اُس عدالت کو یهي لازم هی که جسوقت درخواست صاحب جج عدالت بست و چهارپرگنه کي متضمن اُس حال کے معه نقل مصدق ڈکري کے پهنچے اور خرچه

manded for the execution of such judgments in ordinary cases. Provided always, that nothing in this Act contained shall be held to authorize the said Court of Requests to execute any decree, except the cause of action in respect of which such decree was obtained were such that if it had occurred within the local jurisdiction of the said Court it would have been cognizable by the same.

معمولي که بيچ اجراے ڈکريوں کے هوتا هی وصول هو جاوے تو مثل ڈگريوں اپني عدالت کے بيچ جاري کرنے اُس ڈکري کے بهي پيروي کرے ليکن صاحبان کورٹ ريکوسٹ کو يهه بهي لحاظ رکهنا چاهيئے که جس طرح کے مقدمے اپنے علاقه کے وہ سن سکتے هيں اگر اوسيطرح کے مقدمه کي ڈکري هو تو اُسے جاري کريں اور نهيں تو نه کريں فقط *

J. J. MOORE,

Urdu Translator.

ACT No. XXIX. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th December, 1839.

AN Act for the Amendment of the Law relating to Dower.

I. Whereas it is expedient to extend the Amendments in the English Law of Dower contained in the Statute 3rd and 4th William IV. Chapter CV. to the Territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of Dower as it existed previously to the passing of the aforesaid Statute:

Meaning of the words in the Act.

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "Land" shall extend to Messuages, and all other Hereditaments, whether Corporeal or Incorporeal (except such as are not liable to Dower), and to any share thereof, and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

Widows to be entitled to Dower out of equitable Estates.

II. And it is hereby further enacted, that when a Husband shall die beneficially entitled to any Land for an interest which shall not entitle his Widow to Dower out of the same at Law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an Estate of inheritance in possession, or equal to an Estate of inheritance in possession, (other than an Estate in joint-tenancy,) then his Widow shall be entitled in Equity to Dower out of the same Land.

قانون نمبر ۲۹ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۱۶ دسمبر سنه ۱۸۳۹ ع کو صادر هوا

یہہ قانون علاقه فقط سوپریم کورٹ سے رکھتا هی اسواسطے بلا ترجمه چھاپا گیا *

Seisin shall not be necessary to give title to Dower.

III. And it is hereby further enacted, that a Husband shall have been entitled to a right of entry or action in any Land and his Widow would be intitled to Dower out of the same if he had recovered possession thereof, she shall be entitled to Dower out of the same although her husband shall not have recovered possession thereof; provided that such Dower be sued for or obtained within the period during which right of entry or action might be enforced.

No Dower out of Estates disposed of.

IV. And it is hereby further enacted, that no Widow shall be entitled to Dower out of any Land which shall have been absolutely disposed of by her Husband in his life time, or by his Will.

Priority to partial Estates, Charges and Specialty Debts.

V. And it is hereby further enacted, that partial Estates and Interests and all charges created by any disposition or Will of a Husband, and all debts, incumbrances, contracts and engagements to which his Land shall be subject or liable, shall be valid and effectual as against the right of his Widow to Dower.

Dower may be barred by a Declaration in a Deed.

VI. And it is hereby further enacted, that a Widow shall not be entitled to Dower out of any Land of her Husband, when in the Deed by which such Land was conveyed to him, or any Deed executed by him, it shall be declared that his Widow shall not be entitled to Dower out of such Land.

Or by a declaration in the Husband's Will.

VII. And it is hereby further enacted, that a Widow shall not be entitled to Dower out of any Land of which her Husband shall die wholly or partially intestate when by the Will of her Husband, duly executed for the devise of Freehold Estates, he shall declare his intention that she shall not be entitled to Dower out of such Land or out of any of his Land.

Dower shall be subject to restriction.

VIII. And it is hereby further enacted, that the right of a Widow to Dower shall be subject to any conditions, restrictions or directions which shall be declared by the Will of her Husband, duly executed as aforesaid.

Devise of real Estate to the Widow shall bar her Dower.

IX. And it is hereby further enacted, that where a Husband shall devise any Land out of which his Widow would be entitled

to Dower if the same were not so devised, or any Estate or Interest therein, to or for the benefit of his Widow, such Widow shall not be entitled to Dower out of or in any Land of her said Husband, unless a contrary intention shall be declared by his Will.

Bequest of Personal Estate to the Widow shall not bar her Dower.

X. And it is hereby further enacted, that no Gift or Bequest made by any Husband to or for the benefit of his Widow of or out of his Personal Estate, or of or out of any of his Land not liable to Dower shall defeat or prejudice her right to Dower, unless as contrary intention shall be declared by his Will.

Agreement not to bar Dower may be enforced.

XI. Provided always and it is hereby further enacted, that nothing in this Act contained shall prevent any Court of Equity from enforcing any covenant or agreement entered into by or on the part of any Husband not to bar the right of his Widow to Dower out of his Lands or any of them.

Legacies in bar of Dower still entitled to preference.

XII. And it is hereby further enacted, that nothing in this Act contained shall interfere with any rule of Equity, or of any Ecclesiastical Court, by which Legacies bequeathed to Widows in satisfaction of Dower are entitled to priority over other Legacies.

Certain Dowers abolished.

XIII. And it is hereby further enacted, that no Widow shall hereafter be entitled to Dower ad ostium ecclesiæ or Dower ex assensu patris.

Act not to take effect before the 1st July 1840.

XIV. And it is hereby further enacted, that this Act shall not extend to the Dower of any Widow who shall have been or shall be married on or before the First day of July One Thousand Eight Hundred and Forty, and shall not give to any Will, Deed, Contract, Engagement, or Charge executed, entered into, or created before the said First day of July One Thousand Eight Hundred and Forty, the effect of defeating or prejudicing any right to Dower.

XV. And it is hereby provided, that this Act shall not be construed to affect any right of property in Land otherwise than by modifying the Law of Dower in cases governed by the English Law of Dower, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

ACT. No. XXX. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th December, 1839.

AN Act for the amendment of the Law of Inheritance.

I. Whereas it is expedient to extend the amendments, in the English Law of Inheritance contained in the Statute 3rd and 4th William IV. Chapter CVI. to the Territories of the East India Company in cases which, but for the passing of the Act, would be governed by the English Law of Inheritance as it existed previously to the passing of the aforesaid Statute:

Meaning of words in the Act.

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "Land" shall extend to Messuages, and all other Hereditaments, whether corporeal or incorporeal, and whether Freehold or of any other Tenure, and to Money to be laid out in the purchase of Land, and to Chattels and other personal property transmissible to Heirs, and also to any share of the same Hereditaments and Properties or any of them, and to any Estate of Inheritance or Estate for any Life or Lives, or other Estate transmissible to Heirs, and to any Possibility, Right, or Title of Entry or Action, and any other Interest capable of being inherited, and whether the same Estates, Possibilities, Rights, Titles, and interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words

"Land."

"The Purchaser."

"the Purchaser" shall mean the person who last acquired the Land otherwise than by descent, or than by any escheat, parti-

قانون نمبر ۳۰ سنه ۱۸۳۹ ع

ولایت هند کي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۱۶ دسمبر سنه ۱۸۳۹ ع کو صادر هوا

یہہ قانون بھي متعلق هی فقط سوپریم کورٹ سے اسواسطے ترجمہ اسکا نہیں کیا گیا ۔

tion, or enclosure, by the effect of which the Land shall have become part of or descendible in the same manner as other Land acquired by descent; and the word "descent" shall mean the title to inherit Land by reason of consanguinity, as well where the Heir shall be an Ancestor or Collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any Ancestor shall extend to all persons who must trace their descent through such Ancestor; and the expression "the person last entitled to Land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the Rents and profits thereof; and the word "assurance" shall mean any Deed or Instrument other than a Will by which any Land shall be conveyed or transferred at Law or in Equity; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

"Descent."

"Descendant."

"Person last entitled.

"Assurance."

Number and Gender.

Descent shall always be traced from the Purchaser, but the last owner shall be considered to be the Purchaser, unless the contrary be proved.

II. And it is hereby further enacted, that in every case descent shall be traced from the Purchaser, and to the intent, that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the Land shall, for the purposes of this Act, be considered to have been the Purchaser thereof unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the Purchaser, unless it shall be proved that he inherited the same, and in like manner the last person from whom the Land shall be proved to have been inherited shall in every case be considered to have been the Purchaser unless it shall be proved that he inherited the same.

Heir entitled under a Will, shall take as Devisee, and a limitation to the

III. And it is hereby further enacted, that when any Land shall have been devised by any Testator who shall die after the First day of July one thousand eight hundred and forty, to the

Heir or to the person who shall be the Heir of such Testator, such Heir shall be considered to have acquired the Land as a Devisee and not by descent; and when any Land shall have been limited by any assurance executed after the said First day of July one thousand eight hundred and forty, to the person or the Heirs of the Person who shall thereby have conveyed the same Land, such Person shall be considered to have acquired the same as a Purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former Estate or part thereof.

Granter or his Heirs shall create an Estate by Purchase.

IV. And it is hereby further enacted, that when any person shall have acquired any land by Purchase under a limitation to the Heirs or to the Heirs of the body of any of his Ancestors, contained in an assurance, executed after the said First day of July one thousand eight hundred and forty, or under a limitation to the Heir or to the Heirs of the body of any of his Ancestors, or under any limitation having the same effect, contained in a Will of any Testator who shall depart this life after the said First day of July one thousand eight hundred and forty, then and in any of such cases such Land shall descend, and the descent thereof shall be traced as if the Ancestor named in such limitation had been the Purchaser of such Land.

Where Heirs take by Purchase under Limitations to the Heirs of their Ancestors, the Land shall descend as if the Ancestor had been the Purchaser.

V. And it is hereby further enacted, that no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the Parent.

Brothers, &c. shall trace descent through their Parent.

VI. And it is hereby further enacted, that every lineal Ancestor shall be capable of being Heir to any of his issue, and in every case where there shall be no issue of the purchaser, his nearest lineal Ancestor shall be his Heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal Ancestor, or in consequence of there being no descendant of such lineal Ancestor, so that the father shall be preferred to a brother or sister, and a more remote

Lineal Ancestor may be Heir in Preference to Collateral Persons claiming through him.

lineal Ancestor to any of his issue, other than a nearer lineal Ancestor or his issue.

The Male Line to be preferred.

VII. And it is hereby further enacted and declared, that none of the Maternal Ancestors of the person from whom the descent is to be traced, nor any of their descendants shall be capable of inheriting until all his Paternal Ancestors and their descendants shall have failed; and also that no female Paternal Ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male Paternal Ancestors and their descendants shall have failed; and that no female Maternal Ancestor of such person, or any of her descendants, shall be capable of inheriting until all his male Maternal Ancestors and their descendants shall have failed.

The Mother of more remote Male Ancestor to be preferred to the Mother of the less remote male Ancestor.

VIII. And it is hereby further enacted and declared, that where there shall be a failure of male Paternal Ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male Paternal Ancestors, or her descendants, shall be the Heir or Heirs of such person, in preference to the mother of a less remote male Paternal Ancestor, or her descendants; and where there shall be a failure of male Maternal Ancestors of such person, and their descendants, the mother of his more remote male Maternal Ancestor, and her descendants, shall be the Heir or Heirs of such person in preference to the mother of a less remote male Maternal Ancestor, and her descendants.

Half blood, if on the part of a male Ancestor, to inherit after the whole blood of the same degree, if on the part of a female Ancestor after her.

IX. And it is hereby further enacted, that any person related to the person from whom the descent is to be traced by the half blood shall be capable of being his Heir, and the place in which any such relation by the half blood shall stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood, and his issue, where the common Ancestor shall be a male, and next after the common Ancestor where such common Ancestor shall be a female, so that the brother of the half blood on the part of the

father shall inherit next after the sisters of the whole blood on the part of the father and their issue, and the brother of the half blood on the part of the mother shall inherit next after the mother.

After the death of a person attainted, his descendants may inherit.

X. And it is hereby further enacted, that when the person from whom the descent of any Land is to be traced shall have had any relation, who, having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such Land who would have been capable of inheriting the same by tracing his descent through such relation if he had not been attainted, unless such Land shall have escheated in consequence of such attainder before the First day of July one thousand eight hundred and forty.

Act not to extend to any descent before 1st July 1840.

XI. And it is hereby further enacted, that this Act shall not extend to any descent which shall take place on the death of any person who shall die before the said First day of July one thousand eight hundred and forty.

Limitations made before the 1st July 1840, to the Heirs of a person then living, shall take effect as if the Act had not been made.

XII. And it is hereby further enacted, that where any assurance executed before the said First day of July one thousand eight hundred and forty, or the Will of any person who shall die before that time, shall contain any limitation or gift to the Heir or Heirs of any person under which the person or persons answering the description of Heir shall be entitled to an Estate by purchase, then the person or persons who would have answered such description of Heir if this Act had not been made shall become entitled by virtue of such limitation or gift, whether the person named as Ancestor shall or shall not be living at the time aforesaid.

XIII. And it is hereby provided, that this Act shall not be construed to affect inheritances of Land, which are not subject to the English Law of Inheritance, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

ACT No. XXXI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 23rd December, 1839.

AN Act for remedying certain defects in the Statute 9th George IV. Ch. 74, relating to the Coin :—

I. Whereas it is expedient to remedy certain defects in the Statute 9th George IV. Ch. 74, of which the inconvenience is particularly experienced relating to injuries to the Coin:

It is hereby enacted, that if any person shall fraudulently clip, file, drill, deface, or debase any current gold or silver Coin issued from any Mint of the East India Company, or usually received as money in any part of the Territories under the Government of the East India Company, with intent to make the Coin so clipped, filed, drilled, defaced, or debased, pass for the current gold or silver Coin, so issued, or usually received as money as aforesaid, every such offender shall be guilty of felony, and shall be liable, on conviction, at the discretion of the Court, to be transported to such place as the Court shall direct for life or any term of years, or to be imprisoned for any term not exceeding four years.

II. And it is hereby provided, that it shall not be lawful for any Court under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

قانون نمبر ۳۱ سنه ۱۸۳۹ ع

ولایت هندکي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے کونسل کے اجلاس میں ۲۳ دسمبر سنه ۱۸۳۹ ع کو صادر هوا

قانون درباب اصلاح بعض مراتب آئین نہم مندرجه باب ۷۴ کے که حضور والاے شاه جارج چہارم سے درباب سکون سیمیں وغیرہ کے صادر هوا تها *

۱ چونکه بعض مراتب آئین نہم مصدرہ شاه جارج چہارم و مندرجه باب ۷۴ کے که درباب سکون کے هیں موجب هرج و نقصان کے ثابت هوئے هیں اور اِس لحاظ سے اصلاح اُنکي بہت ضرور هی *

اسواسطے حکم دیا جاتا هی که سکے سیمیں یاطلائي که بیچ کسي دارالضوب سرکار کمپني کے ضرب کئے جاویں یا بطریق زر نقد بیچ کسي علاقه سرکار کمپني کے رواج پذیر هوں اگر اُنکو کوئي شخص بنظر مفاد اپنے کے کاٹ کے یا ریت کے یا کسي او طرح سے کهوٹا اور خراب کرکے از راه فریب بطریق کهرے اور صحیح وسالم سکون کے بازار میں چلاوے تو عدالت سے چاهیئے که بعد ثبوت جرم کے یا تو اُسکي نسبت حکم جلاء وطني تا زیست یا تا میعاد معین کا اور یا حکم قید کا که میعاد اُسکي زیادہ چار برس سے نہو دیا جاوے *

۲ لیکن جاننا چاهیئے که جو شخص با شندہ هندوستان کا هو اور اولاد سے اهالیان یوروپ کے نہو اُسکي نسبت دینا حکم جلاء وطني کا اوپر ساحل شرقي نیو سوتهه ویلس کے یا اوپر کسي اور جزیرہ کے که متصل اُسکے هو کسي عدالت کو جایز نہیں هی *

III. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the criminal jurisdiction of any of Her Majesty's Courts of Justice within the Territories under the Government of the East India Company extends, but not further, or otherwise.

۴ حکم هی که جن شخصوں اور جن مقاموں پر که اختیار عدالتوں ملکه انگلستان کا درمیان علاقه سرکار کمپني کے پهنچ سکتا هی فقط او نهیں شخصوں اور اونهیں مقاموں سے احکام اِس قانون کے متعلق هونگے اور اُنکے سوا اور کسي سے علاقه نرکهیں گے فقط ۔

J. J. MOORE,

Urdu Translator.

ACT No. XXXII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 30th December, 1839.

AN Act concerning the allowance of Interest in certain cases.

I. Whereas it is expedient to extend to the Territories under the Government of the East India Company, as well within the jurisdiction of Her Majesty's Courts as elsewhere, the provisions of the Statute 3rd and 4th William IV. Chapter 42, Section 28, concerning the allowance of interest in certain cases:

It is, therefore, hereby enacted, that upon all debts or sums certain payable at a certain time or otherwise, the Court before which such debts or sums may be recovered, may, if it shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment; provided that interest shall be payable in all cases in which it is now payable by law.

قانون نمبر۳۲ سنه ۱۸۳۹ ع

ولایت هندکي کونسل کے صاحب پریسیڈنٹ بہادر کے حضور سے
کونسل کے اجلاس میں ۳۰ دسمبر سنه ۱۸۳۹ ع کو صادر هوا

قانون درباب دلانے سود کے خاص صورتونمیں

چونکه درباب سود کے متعلق کرنا احکام دفعه ۲۸ آئین سیوم وچہارم صدرہ شاہ ولیم چہارم اور مندرجه باب ۴۲ کا تمام عملداري سرکار کمپني سے کیا بیچ علاقجات عدالتوں شاهي کے اور کیا بیچ علاقه اور عدالتوں کے مناسب متصور هوتا هی *

اسواسطے حکم دیا جاتا هی که اگر واسطے ادا کرنے ایك قرضه وغیرہ زر معینه کے کچھه میعاد ازروے نوشته کے ٹهرگئي هو اور وہ زر قرضه وغیرہ بروقت انقضاے اُس میعاد کے نه ادا کیا جاوے تو صاحب عدالت کو اختیار هی که اگر مناسب جانے تو وقت انقضاے میعاد سے سود مناسب که شرح معینه رایج الوقت سے زیادہ نهو دلادے اور اگر کچھه میعاد اسطرح پر از روے نوشته کے نه ٹهري هو تو اُسوقت سے که جسوقت بذریعهٔ تحریر کے تقاضا اُس روپیه کا کیا گیا هو اور جتا دیا گیا هو که آج کي تاریخ سے تا ادا هونے اُس روپیه کے سود لیا جاویگا اور واضح هو که جن صورتوں میں از روے قوانین مجاریه کے سود جایز نهیں هی اس قانون سے بهي جایز نهوگا فقط *

J. J. MOORE,
Urdu Translator.

غلطنامہ

صفحہ	سطر	غلط	صحیح
۷		نمبر اول	نمبر دوم

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